

KEEPING PACE WITH TRADE, TRAVEL, AND
SECURITY: HOW DOES CBP PRIORITIZE AND
IMPROVE STAFFING AND INFRASTRUCTURE?

HEARING
BEFORE THE
SUBCOMMITTEE ON
BORDER AND
MARITIME SECURITY
OF THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
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KEEPING PACE WITH TRADE, TRAVEL, AND SECURITY: HOW DOES CBP PRIORITIZE AND IMPROVE STAFFING AND INFRASTRUC- TURE?

Tuesday, April 19, 2016

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 10:04 a.m., in Room 311, Cannon House Office Building, Hon. Martha McSally [Chairman of the subcommittee] presiding.

Present: Representatives McSally, Duncan, Hurd, Higgins, and Torres.

Also present: Representative Payne.

Ms. MCSALLY. The Committee on Homeland Security, Subcommittee on Border and Maritime Security will come to order. The subcommittee is meeting today to examine CBP's efforts to improve staffing and port of entry infrastructure needs.

I recognize myself now for an opening statement. Before we begin, I would like to offer my condolences for Border Patrol Agent Jose D. Barraza. Yesterday morning, Agent Barraza, a canine handler involved in a vehicle accident with his canine Vino, and he was fatally injured. Border Patrol Agent Barraza was assigned to the Sierra Blanca Station of the Big Bend sector. He is survived by his wife, Donna Barraza, his 2 sons Joey and Josh Barraza, and his mother Tammy Delgado, all of El Paso. Our thoughts are with his family in this difficult time, and we thank him for his service.

U.S. Customs and Border Protection's job is to make sure passengers and cargo that power our economy keep moving while keeping bad things and bad people out of the country. These missions require 2 basic prerequisites: An appropriate number of well-trained CBP Officers to process travelers and trade, and a modernized infrastructure to accommodate and channel the traffic so that it moves across the border quickly and safely.

However, CBP is seriously understaffed, despite Congress' recent infusion of dollars to hire an additional 2,000 officers. Land ports of entry across the country are in dire need of expansion and renovation to keep pace with increasing demand and security requirements.

CBP is well below its Congressionally-mandated staffing level by more than 950 officers and 1,300 Border Patrol Agents. Even with

a recent push to hire more officers, hiring is only barely keeping up with officer attrition. We are essentially treading water.

CBP's internal workflow staffing models show that we need more than 2,000 CBP Officers above what CBP currently has on board, well above even what Congress has appropriated. Once CBP delivers the now-late staffing report as required under the recently-enacted CBP Authorization Act, Congress will have a clearer picture of where the needs are the greatest.

Filling staffing shortages is a challenge for several reasons. For starters, just last year, it took more than 460 days, on average, in 11 distinct steps to on-board a new officer or agent. Today, it is only marginally better. The process is down to 6 months, but I think that is just for where we have pilot programs, so I would like to hear some clarification on that. This is still a very long time. We are losing far too many good applicants who just throw up their hands and move on because they have given up on the process.

Pre-employment polygraph examinations required by the Anti-Border Corruption Act of 2010 significantly reduced the number of applicants who make it through the process, including a disturbingly high number of seemingly-qualified combat veterans. I want to make sure we are vetting potential applicants thoroughly without subjecting them to a process that is adversarial without purpose.

Attrition is also something that should concern CBP and concerns us. When we have good officers and agents leaving the force in significant numbers and the hiring process is not keeping pace, we must look for novel way to retain these professionals. At the current hiring rate, it takes between 100 and 150 applicants to go through the process to just hire one agent or officer. This means CBP needs to have hundreds of thousands of people to apply just to meet their current needs.

Last year, President Obama signed a bill that I authored, the Border Jobs for Veterans Act. This was my first bill signed into law, by the way. This law allows the hiring of qualified veterans on an expedited basis and establishes programs to actively recruit military veterans to work as CBP Officers. I look forward to an implementation update because we can all agree that CBP should be leveraging our military veterans who want to continue to serve the country.

Turning now to infrastructure challenges, there are 167 land ports of entry Nation-wide. Many are in dire need of expansion or modernization. For years, funding for ports of entry have been inadequate, considering the magnitude of the requirements. If we tally the total requirements for ports of entry across the country, it comes out to an astounding \$5 billion.

How CBP prioritizes land ports of entry construction is not as clear as it should be. Under current law, CBP is required to present a 5-year infrastructure plan to Congress on a routine basis, which I understand will be delivered shortly. What Congress is looking for in such a plan is a rational, decision-making process for selecting and funding infrastructure based on specific criteria, impacting the economy, the level of traffic, and the necessary security enhancements.

The main border crossing in my district, located in Douglas, Arizona, is a prime example of the confusion that exists with the current process. The Douglas Crossing Point is 1 of 6 ports of entry in Arizona, and the city of Douglas has been attempting to secure the approval of the new commercial port of entry with DHS since 2012. Unfortunately, determining how to further this vital project still remains not only relatively unclear, but frustratingly difficult for my community. Mexico is my State's largest trading partner, and over the past 5 years, shipments south alone have increased 60 percent. The Douglas port currently accounts for nearly \$4 billion in trade through two-way truck traffic, a figure that has grown 5 percent annually since 2010. But what is hard to measure is the opportunity costs of inadequate and aging infrastructure that causes bottlenecks and long wait lines.

We may never know how much commerce Douglas is not seeing, because the cargo may be shifting to another ports of entry not in such need of modernization. Or people that are crossing on foot who just decide not to come anymore, because it is just taking too long.

In 2003, the Arizona Department of Transportation determined that the existing Douglas port of entry will not allow CBP to adequately meet its mission within the next 5 years. That deadline is rapidly approaching and I am extremely interested in moving along projects, whether it is improvements or expansions of the existing port, or building a new port altogether, that will ensure that commerce continues to move in an efficient manner for the citizens in Arizona and also for them to remain safe.

I hope that the witnesses today can help this subcommittee find solutions that will ease the staffing shortages and prioritize infrastructure spending in a transparent and justifiable way.

[The statement of Chairman McSally follows:]

STATEMENT OF CHAIRMAN MARTHA MCSALLY

APRIL 19, 2016

U.S. Customs and Border Protection's job is to make sure the passengers and cargo that power our economy keep moving while keeping bad things and bad people out of the country.

These missions require 2 basic prerequisites—an appropriate number of well-trained CBP Officers to process travelers and trade, and a modernized infrastructure to accommodate and channel the traffic so that it moves across the border quickly and safely.

However, CBP is seriously understaffed, despite Congress's recent infusion of dollars to hire an additional 2,000 officers. Additionally, land ports of entry across the country are in dire need of expansion and renovation to keep pace with increasing demand and security requirements.

CBP is well below its Congressionally-mandated staffing level by more 950 officers and 1300 Border Patrol Agents. Even with a recent push to hire more officers, hiring is only barely keeping up with officer attrition. We are essentially treading water.

CBP's internal workflow staffing model shows that we need more than 2,000 CBP Officers above what CBP currently has on-board, well above even what Congress has appropriated. Once CBP delivers the now-late staffing report, as required under the recently-enacted CBP Authorization Act, Congress will have a clearer picture of where the needs are greatest.

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But what is hard to measure is the opportunity cost of inadequate and aging infrastructure that causes bottlenecks and long wait times. We may never know how much commerce Douglas is not seeing because that cargo may be shifting to another port of entry not in such dire need of modernization.

In 2013, the Arizona Department of Transportation (ADOT) determined that the existing Douglas POE will not allow CBP to adequately meet its mission within the next 5 years. That deadline is rapidly approaching and I am extremely interested in moving along projects, whether it is improvements or expansions of the existing port or building a new port all together that will ensure that commerce continue to move in an efficient manner and the citizens of Southern Arizona remain safe.

I hope that the witnesses today can help this subcommittee find solutions that will ease the staffing shortage and prioritize infrastructure spending in a transparent and justifiable way.

Ms. MCSALLY. The Chair now recognizes the acting Ranking Minority Member of the subcommittee, the gentleman from New York, Mr. Higgins, for any statement he may have.

Mr. HIGGINS. I want to thank the Chair, and I am pleased to serve as Ranking Member today, particularly given the topic at hand, staffing and infrastructure at America's ports of entry.

My Congressional district consists of portions of Erie and Niagara Counties, including the cities of Buffalo and Niagara Falls, and sits adjacent to America's maritime border with Canada along the Niagara River and eastern shores of Lake Erie. Buffalo is home to the Peace Bridge, the busiest passenger crossing on the Northern Border, and a crucial link between the economy of western New York and southern Ontario and our two great Nations.

Each year, \$40 billion in trade crosses the Peace Bridge, sparing \$227 billion in economic activity. Niagara County is home to 3 more international crossings: The Rainbow Bridge, the Whirlpool Bridge, and the Lewiston-Queenston Bridge, which are all so crucial to travel and tourism in the region. Cross-border travel, the efficient flow of goods and people across the border and security of our ports of entry are vital to the communities that I represent.

Unfortunately, the U.S. Customs and Border Protection's Office of Field Operations continues to be understaffed at ports of entry based on the agency's own staffing model. Staffing shortages slow legitimate crossers and makes it more difficult for law enforcement officials to spot the handful who may pose a concern.

In addition to staffing challenges, Customs and Border Protection operations at the Peace Bridge are hindered by inadequate infrastructure, including insufficient booth capacity for a port facility of its size, as well as a dysfunctional plaza that results in crossing inefficiencies.

In my Congressional district, we see the slowdowns, particularly on summer weekends as locals and tourists alike seek to enter the United States from Canada. That season is right around the corner, and I know I will be hearing from my constituents and area businesses about their concerns.

I hope to hear from our CBP witnesses today about what they are doing to increase staffing for ports of entry, including hiring 2,000 CBP Officers funded by Congress in recent years both in the near term and over the long term. Similarly, we know that additional investments in port of entry infrastructure are necessary to deal with increasing cross-border traffic and trade in evolving security threats.

New programs, such as Land Pre-Clearance, will require additional infrastructure, but will pay significant returns on those investments. I have long been a proponent of pre-clearance at the Peace Bridge in Buffalo. Because of the unique infrastructure location and space constraints we face in the Buffalo port of entry, and the existence of sufficient acreage on the Fort Erie side, the Peace Bridge was chosen for pre-clearance pilot in 2004. Now that full pre-clearance is being revised, I believe the Peace Bridge would be ideally suited for the first Land Pre-Clearance site.

I was greatly encouraged by the announcement made last month by President Obama and Prime Minister Trudeau regarding the program, and I am proud to be an original co-sponsor of legislation that would provide the legal framework needed to move forward with expanded pre-clearance.

I look forward to hearing from our witnesses about how the Department of Homeland Security, the General Services Administration with the support of Congress, can properly staff and resource our Nation's port of entry, including the ones in my Congressional district and those of my colleagues here today.

Finally, I am very glad to be joined by Tony Reardon, national president of the National Treasury Employees Union, which represents rank-and-file CBP Officers, including many of my constituents. Again, I thank the witnesses for joining us, and I look forward to your testimony.

[The statement of Mr. Higgins follows:]

STATEMENT OF HON. BRIAN HIGGINS

APRIL 19, 2016

My Congressional district consists of portions of Erie and Niagara Counties, including the cities of Buffalo and Niagara Falls, and sits adjacent to America's maritime border with Canada along the Niagara River and the eastern shores of Lake Erie.

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Each year, \$40 billion in trade crosses the Peace Bridge, spurring \$227 billion in economic activity. Niagara County is home to 3 more international crossings, the Rainbow Bridge, the Whirlpool Bridge, and the Lewiston-Queenston Bridge which are also critical to travel and tourism in the region.

Cross-border travel, the efficient flow of goods and people across the border, and the security of our ports of entry are vital to the communities I am privileged to represent. Unfortunately, U.S. Customs and Border Protection's Office of Field Operations continues to be understaffed at ports of entry based on the agency's own staffing model. Staffing shortages slow legitimate crossers and makes it more difficult for law enforcement officials to spot the handful who may pose a concern.

In addition to the staffing challenges, CBP operations at the Peace Bridge are hindered by inadequate infrastructure, including insufficient booth capacity for a port facility of its size, as well as a dysfunctional plaza that results in crossing inefficiencies. In my Congressional district, we see the slowdowns particularly on summer weekends, as locals and tourists alike seek to enter the United States from Canada. That season is right around the corner, and I know I will be hearing from my constituents and area businesses about their concerns.

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Finally, I am very glad we are joined by Tony Reardon, national president of the National Treasury Employees Union, which represents rank-and-file CBP Officers, including many of my constituents.

Mr. DUNCAN. Madam Chairman, I have a brief opening statement.

Ms. MCSALLY. Without objection.

Mr. DUNCAN. I have been on this subcommittee for the end of my 6th year, and this issue comes up time again. Ronald Reagan used to talk about a "shining city on the hill." He said if that shining city on the hill had to have walls, then it needed to have gates to allow the normal flow of goods, commerce, and natural immigration. I want to thank all the leaders that are here today testifying for the work they do. Mr. O'Rourke from El Paso, Texas, talked extensively on this committee about trade at the border, and how important it was to El Paso. I know how important it is in Nogales,

because I have been there, and seen the 18-wheelers lined up on the Mexican side trying to come into this country.

But the vital component is inspection of those 18-wheelers to make sure that contraband, illegal aliens, drugs, you name it, don't come into this country. It could be, you know, citrus greening fruit that doesn't need to come in and infect United States citrus. So there is an important component, and so I think this is a vital topic. I applaud you for this because being from South Carolina, we are about as far away from the Southern and Northern Border as you can imagine, but we fully understand the threats that are opposed to this Nation that could come across, not just across the open border areas, but through our normal ports of entry. So they have got a vital role to play.

I will note that in the last 10 years, the number of CBP personnel, Border Patrol personnel has doubled to about 20,000, I think. I don't know what the optimal number is. I hope we delve into that a little bit. Because just increasing manpower and not increasing effectiveness of that manpower isn't always the answer. Giving them the tools they need, the ability to do their job, getting the administration out of their way, and allowing them to protect the country because that is what our constituents expect.

So I thank you for this hearing. I look forward to the testimony. I appreciate the Ranking Member's comments as well, who understands this issue as well. So thank you and I yield back.

Ms. MCSALLY. Absolutely. Other Members of the committee are reminded that opening statements may be submitted for the record. [The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

APRIL 19, 2016

The Committee on Homeland Security has held many hearings over the years examining staffing and infrastructure challenges at ports of entry. While some progress has been made toward addressing those challenges, much more remains to be done to ensure that CBP has the staffing and infrastructure necessary to keep pace with travel and trade while continuing to secure our Nation's borders in the face of evolving threats.

For example, we know that CBP remains thousands of officers short of the number its own staffing model indicates is necessary to staff ports of entry appropriately. Members of this Committee, including myself, have been asking for years, on a bipartisan basis, for this staffing model, but CBP has so far refused to comply.

As a result, we included a provision in recent CBP authorization legislation requiring CBP to provide the staffing model to Congress. That legislation was signed into law in February and the staffing model was due last month, but to my knowledge it has not yet been provided.

I want to hear from our witnesses today about when we can expect to receive the staffing model because, given how long this committee has been asking for the document, it is in fact long, long overdue.

Also regarding staffing, CBP has had significant difficulty hiring the additional 2,000 officers funded by Congress in recent years. While I strongly support CBP's efforts to ensure newly-hired officers meet appropriate standards, the agency needs to do everything possible to recruit, hire, and retain suitable candidates.

I hope to hear from our witnesses today about the specific steps CBP is undertaking to overcome these hiring challenges and the time line for getting the remaining officers on board. With respect to infrastructure at ports of entry—including at land, air, and sea ports—it simply was not built for modern travel, trade, technology, or security measures.

Like much of America's aging infrastructure, we need to invest in its modernization to ensure our ports of entry—the gateways to our country—are able to welcome

legitimate travel and trade while giving CBP personnel the tools necessary to help protect us from security threats.

I hope to hear from our CBP and General Services Administration witnesses today about how they identify and prioritize needs at ports of entry and where our most pressing needs are currently. I am particularly pleased that Tony Reardon, the national president of the National Treasury Employees Union, is joining us for the first time. His members, the men and women of CBP's Office of Field Operations, are on the front lines at our ports of entry every day. I look forward to hearing their perspectives through him in his testimony today.

Finally, I would note that we are fortunate to have many Members on this committee with ports of entry in or near their districts. These Members have a first-hand understanding of and keen interest in CBP staffing and infrastructure, and they will add a great deal to the discussion here today. I hope our witnesses will be sure to provide in a timely way any port-specific information Members may request regarding their districts.

Ms. MCSALLY. We are pleased to be joined today by 5 distinguished witnesses to discuss this important topic. Mr. Eugene Schied is the acting executive commissioner for the Office of Enterprise Services at U.S. Customs and Border Protection. In this role, Mr. Schied has responsibility within CBP for real estate management, including the construction, maintenance, and leasing of facilities. Prior to joining CBP in November 2006, Mr. Schied was the first deputy CFO for the Department of Homeland Security, and also served as DHS's budget director from May 2003 until March 2004.

Ms. Linda Jacksta is the assistant commissioner for human resources management at the U.S. Customs and Border Protection. Prior to this role, Ms. Jacksta served as the acting deputy assistant commissioner for the Office of Internal Affairs. In this capacity, she provided leadership and protection for a wide variety of functions or programs, including backgrounds, and clearances, and employee misconduct investigations.

Mr. John Wagner is the deputy assistant commissioner for U.S. Customs and Border Protection's Office of Field Operations. Mr. Wagner formerly served as executive director of admissibility and passenger programs with responsibility for all traveler admissibility-related policies, and programs, including the Trusted Traveler Program, the Electronic System for Travel Authorization, the Immigration Advisory Program, and the fraudulent document analysis unit.

Mr. Michael Gelber is the deputy commissioner for public buildings service at the U.S. General Services Administration. The Public Buildings Service is one of the largest public real estate organizations in the world, operating more than 9,000 owned and leased properties across the United States.

Mr. Gelber began his career at GSA in 1988 and has held positions—several leadership positions including service in the northwest and Great Lakes region.

Mr. Anthony Reardon is the national president of the National Treasury Employees Union, a position he was elected to in August 2015. A 25-year member of the NTEU, he joined the organization in 1990 as the operations manager, and rose to become chief operating executive where he oversaw budgeting and other financial matters and managed NTEU's day-to-day operations, ranging from personnel to information technology.

The witnesses' full written statements will appear for the record. The Chair now recognizes Mr. Schied for 5 minutes to testify.

STATEMENT OF EUGENE SCHIED, ACTING EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF ENTERPRISE SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. SCHIED. Good morning, Chairman McSally, Representative Higgins, Members of the subcommittee. Thank you for the opportunity to appear this morning to discuss Customs and Border Protection's efforts to modernize land port of entry facilities in support of our mission to secure, and facilitate trade and travel into and out of, the United States. CBP's facility management and engineering division is responsible in coordination with GSA for the oversight, repair, and modernization of CBP's inspectional facilities at our Nation's 329 ports of entry, more than half of which, as you have noted, are located along the U.S. land borders with Mexico and Canada.

Most CBP land ports of entry were built to support the distinct and independent operations of pre-DHS agencies, such as U.S. Customs Service, Animal Plant Health Inspection Service, and Immigration and Naturalization Service.

Today, of course, our facilities and our operations are consolidated and incorporate state-of-the-art technology, professional law enforcement personnel, who maintain the efficient and secure flow across border trade and travel.

The success of these operations depend heavily on the condition and operation utility of our inspections facilities. Many of the Nation's land ports of entry were built more than 70 years ago. Even those constructed as recently as 15 years ago still require renovation or replacement to meet present-day security standards, enforcement, and facilitation technologies, and the growing demand of additional processing capability.

GSA and CBP work cooperatively using a multi-step process to plan for a land ports of entry modernization investments. In coordination with Federal, State, and local stakeholders, we conduct strategic resource assessment to identify individual needs at each facility and use a sensitivity analysis to ascertain the relative urgency of facility needs Nation-wide. As part of this assessment process, we evaluate also the environmental, cultural, historic preservation, land acquisition requirements, as well as the likelihood of obtaining funding.

We work actively in border master planning; we look at each port's activities; we work with State and local stakeholders, to determine what kind of inspectional facilities and repairs are needed.

After this thorough assessment, we arrive at a capital investment plan that is updated annually to align with available funding to address areas of greatest need. Due to the extreme budget environment over the last several years, funding for facilities has been limited. However, thanks to Congress' support in January 2014, CBP received authority to enter into partnerships with private-sector and Government entities at ports of entry to accept donations of real and personal property, including monetary donations and non-personnel services.

This donation acceptance program provides CBP and GSA the opportunity to consider donation proposals to address local port of

entry infrastructure needs, needs which, because of our needing to prioritize at a National level, might not otherwise be addressed.

These donations are expected to reduce border wait times, increase traffic throughput, create jobs, and adjust critical operational and regional order master plan infrastructure technology needs.

CBP also continuously works to develop alternatives to full reconstruction, define alternative and innovative ways to maximize resources and efficiencies. For example, where full construction is impossible, approaches such as stacked booths can increase throughput, high and low booths can also accommodate the processing of either commercial or passenger vehicles.

These initiatives provide CBP with valuable flexibility to quickly adapt to changing port conditions, reduce the overall footprint of facilities, and improve the mutually beneficial opportunities to meet on-going modernization needs at the land ports of entry.

Chairwoman McSally, Representative Higgins, Members of the subcommittee, thank you for the opportunity to testify today and I will be happy to answer your questions.

Ms. MCSALLY. Thank you, Mr. Schied. The Chair now recognizes Ms. Jacksta for 5 minutes.

**STATEMENT OF LINDA JACKSTA, ASSISTANT COMMISSIONER,
OFFICE OF HUMAN RESOURCES MANAGEMENT, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF
HOMELAND SECURITY**

Ms. JACKSTA. Good morning, Chairwoman McSally, active Ranking Member Higgins, and distinguished Members of the subcommittee. Thank you for the opportunity to appear before you today.

Throughout my own 30 years of service with Customs and Border Protection, I have seen first-hand the impact that our employees have on National security and economic prosperity. I have a deep sense of commitment and dedication to this organization, its mission, and its people. With nearly 60,000 employees in the United States and abroad, CBP has a massive and vitally important job to do. Underpinning that effort is CBP's Office of Human Resources Management, and our motto is "Border security starts here." As someone who has worked in CBP's operational environment, that is a responsibility I take very seriously.

Since taking office, my priority has been to strategically identify and assess the challenges associated with hiring and retaining our Air Marine Agents, Border Patrol Agents, CBP Officers, and other mission-critical personnel. We must be nimble, adaptive, and innovative to keep pace with an ever-changing operational landscape.

I have identified 3 key factors influencing our ability to meet our staffing goals, and have developed strategies to address each. The first is improving the quantity and the quality of our applicant pool; the second is decreasing the time to hire; and the third is reducing attrition.

We have made progress, but clearly, more needs to be done. I have established a National front-line hiring program management office to integrate stovepiped elements of the hiring process and significant improvements have been made.

I have established a National front-line recruitment command to deploy data-driven recruitment strategies to increase the quantity and the quality of CBP's applicant pool. I am really pleased to report that the number of applicants for front-line positions has increased from 40,000 in fiscal year 2014, to over 115,000 in fiscal year 2015.

In addition, CBP plans to participate in over 3,000 recruitment events this fiscal year, almost double the number of events from last year. I want to address the hiring of our veterans. Through the Border Jobs for Veterans Act, we are partnering with the Department of Defense to expedite the on-boarding of veterans and separating service members into front-line positions.

This is groundbreaking work that has the potential to be a game-changer for CBP. We are exploring new methods to offer reciprocity to veterans for elements of our pre-employment process. We are also employing the use of hiring hubs, which consolidate multiple steps of our process into a 2-day time frame, reducing the overall time to hire by more than 65 percent. CBP has utilized reassignment opportunities and job swap programs and we are exploring other mobility options to address attrition.

It is important to note that we rely on other Federal partners for portions of our hiring process, as well as an applicant's ability to complete their part of the process in a timely fashion. We are also the only Federal agency with a Congressional mandate to polygraph 100 percent of CBP's front-line applicants.

Chairman McSally, I had the opportunity to read your list of core values, among excellence, integrity first, service, and teamwork was the phrase "making it happen." I recognized that our challenges are significant. However, I am confident that with the continued support of this subcommittee and other Members of Congress, we will continue to find new and innovative ways to make it happen for CBP.

Chairman McSally, acting Ranking Member Higgins, distinguished Members of the subcommittee, thank you for holding this important hearing, and I am happy to answer your questions.

Ms. MCSALLY. Thank you, Ms. Jacksta. The Chair recognizes Mr. Wagner for 5 minutes.

STATEMENT OF JOHN P. WAGNER, DEPUTY ASSISTANT COMMISSIONER, OFFICE OF FIELD OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. WAGNER. Good morning, Chairwoman McSally, acting Ranking Member Higgins, and distinguished Members of the subcommittee. It is a privilege to appear today before you to discuss U.S. Customs and Border Protection's resource optimization efforts to meet the challenge of growing volumes of trade and travel to the United States. The Office of Field Operation is CBP's front-line entity responsible for securing and facilitating international trade and travel at our Nation's 300-plus ports of entry. Each year, we process nearly 30 million cargo containers and approximately 380 million passengers with trade and travel volumes continuing to rise.

While the continued increase and lawful cross-border commerce is a welcomed benefit for the economy, it also presents several complex challenges for an organization whose front-line strength does not expand at the same rate. So to keep pace, we developed a 3-part resource optimization strategy that identified staffing requirements using a workload staffing model, streamlines business processes, and No. 3, promotes opportunities for public-private partnerships to support staff increases and facility improvement.

Thanks to the support of Congress, the Consolidated Appropriations Act of 2014 funded 2,000 new CBP Officers. However, the most recent results of our workload staffing model factoring in the additional 2,000 officers authorizing 2014 show an additional need for 2107 officers through fiscal year 2017.

As Assistant Commissioner Jacksta highlighted in her statement, the Office of Field Operations works closely with the Office of Human Resources Management on several initiatives to recruit, hire, and retain the highly-qualified men and women to secure our border and facilitate trade and travel.

In addition to efforts to increase staffing, we are also transforming our business processes to optimize the resources we have by leveraging technology, automating procedures for the travelers, and increasing operational efficiency by getting rid of paper forms. These business transformation initiatives will save CBP an estimated 536,000 inspection hours, an equivalent to 453 CBP Officers through fiscal year 2017.

Business transformation initiative savings also benefit travelers crossing in our land ports of entry. With the increased use of ready lanes for those with radio frequency identification documents, coupled with an increased participation in our trusted traveler programs, the National average vehicle wait time was 10 percent shorter in fiscal year 2015 than the previous year. Peak wait times have also decreased an average by 30 percent. At the southwest land border, the century trusted travelers experience a 73 percent reduction in wait times compared with non-participants.

This year in the land border environment, CBP is working on automating the I-94 arrival record, and the commercial truck user fee collection process. These initiatives will replace inefficient manual processes, decreasing wait times for travelers and commercial trucks, and saving critical officer inspectional hours.

While CBP's efforts to modernize inspection facilities, improve business processes, and increase the number of officers has been successful, the updated workload staffing monitor results continue to show a need for additional capability.

A significant portion of this capability is required to support our stakeholders' request for new or additional services in infrastructure ports of entry across the country. We recognize the potential economic impact for new or expanded service and infrastructure, and we very much want to support these endeavors. However, due to finite resources, we are not able to always accommodate these requests.

Again, thanks to the support of Congress, CBP recently received authority to collaborate with private-sector and Government partners through the reimbursable services program and the donations acceptance program to address port-specific needs for enhanced

CBP services and infrastructure improvements that otherwise would not have been possible.

Executive Assistant Commissioner Schied discussed the significant opportunities the donation acceptance program offers by modernizing inspection facilities. The reimbursable services program authority allows CBP to support requests from stakeholders for expanding services including Customs, agriculture, border security services, and immigration-related inspection services at the port.

At land ports of entry, this authority enables CBP to open additional lanes, provide services for extended hours to reduce wait times and expedite commercial and personal traffic. In the first 26 months of this program, CBP has entered into agreements with 28 stakeholders, providing more than 145,000 additional processing hours at the request of our partners, and accounting for the processing of more than 3.5 million travelers, and nearly 525,000 personal and commercial vehicles.

Legitimate travel and trade play a critical role in our Nation's economic growth. CBP recognizes its role in sustaining such growth. We will continue to strengthen our front-line staffing efforts, modernize our facilities and streamline our business processes, reform the essential foundation of CBP's critical security and facilitation operation at our Nation ports of entry.

So thank you again for holding this hearing today, and I look forward to discussing with you further.

[The joint statement of Mr. Schied, Ms. Jacksta, and Mr. Wagner follows:]

PREPARED JOINT STATEMENT OF EUGENE SCHIED, LINDA JACKSTA, AND JOHN P. WAGNER

APRIL 19, 2016

Chairman McSally, Ranking Member Vela, and distinguished Members of the Subcommittee, thank you for the opportunity to discuss U.S. Customs and Border Protection's (CBP) progress in enhancing the security and facilitation of lawful trade and travel at our Nation's ports of entry (POEs).

As America's unified border agency, CBP protects the United States against terrorist threats and prevents the illegal entry of inadmissible persons and contraband, while facilitating lawful travel and trade. The Office of Field Operations (OFO) is the law enforcement entity within CBP responsible for carrying out CBP's complex and demanding mission at 328 ports of entry (POE) Nation-wide and 16 pre-clearance locations internationally. Resource demands, including staffing and infrastructure, at the POEs continue to increase as trade and travel volumes continue to grow.

There are more people and goods coming through our POEs than ever before. Since 2009, we have seen growth in both trade and travel and we expect these trends to continue. Every year, OFO facilitates the travel of hundreds of millions of international visitors to our Nation. In fiscal year 2015, CBP inspected more than 382 million travelers at our air, land, and sea POEs, an increase of 2 percent from the previous year, and an increase of 12.5 percent since fiscal year 2011. CBP also processed more than \$2.4 trillion in imports in 2015, while enforcing U.S. trade laws that protect the Nation's economy and the health and safety of the American public.

The facilitation and security of lawful travel and trade is a priority for CBP and we are taking steps, working closely with our stakeholders, Congress, and our Federal partners to increase CBP Officer (CBPO) and CBP Agriculture Specialist (CBPAS) staffing, streamline our business processes, improve our POE facilities, and enhance our security and facilitation efforts. We recognize that CBP's role in securing and facilitating international trade and travel is critical to the growth of our economy and the creation of more jobs.

PORT OF ENTRY STAFFING

To address the on-going challenge of securing and facilitating growing volumes of trade and travel, CBP developed a 3-pronged Resource Optimization Strategy that: (1) Identifies POE staffing requirements using a Workload Staffing Model; (2) ensures the efficient use of resources by optimizing current business processes; and (3) explores funding strategies to support staffing increases.

Thanks to the support of Congress, the *Consolidated Appropriations Act, 2014*, Pub. L. No. 113–76, included funding for 2,000 new CBPOs. These additional officers will be allocated utilizing the Workload Staffing Model and directed to those ports with the greatest need. OFO’s Workload Staffing Model employs a rigorous, data-driven methodology to identify staffing requirements by considering all the activities performed by CBPOs at our POEs, the volume of those activities, and the levels of effort required to carry them out. The most recent results of the Model—factoring in the additional 2,000 CBPOs from the fiscal year 2014 appropriations—show a need for 2,107 additional CBPOs through fiscal year 2017. Additionally, the Agriculture Resource Allocation Model, CBP’s analytical framework for informing CBPAS staffing decisions at POEs, shows a need for an additional 631 CBPAS through the same period.

With nearly 60,000 employees in the United States and abroad, CBP is the Nation’s largest Federal law enforcement organization and requires a highly-skilled workforce capable of successfully meeting the agency’s mission requirements. CBP employs a rigorous hiring process in order to ensure that it hires only those applicants who have the qualifications and suitability necessary to meet CBP’s mission requirements. CBP’s Office of Human Resources Management (HRM) works diligently to recruit, hire, and retain the men and women serving in front-line positions that secure the Nation’s borders and facilitate lawful trade and travel, which is so critical to the Nation’s economic prosperity.

Front-line Hiring and Challenges

CBP has made some progress in meeting front-line hiring goals; however, additional work remains. The agency continues to face significant challenges in meeting our staffing goals to include applicants not being able to successfully pass requirements of the CBP hiring process, law enforcement attrition, and an insufficient number of applicants applying for front-line positions. CBP’s significant size, scope, and depth of mission—domestically and internationally—requires a considerable number of personnel in front-line positions and CBP must employ only the highest caliber of individuals.

CBP’s hiring process for front-line personnel is intentionally rigorous. Individuals must successfully complete an entrance exam, qualifications review, interview, medical exam, drug screening, physical fitness test, polygraph examination, and a background investigation. The hiring process is challenging for most applicants and a large number do not meet the agency’s employment requirements.

The *Anti-Border Corruption Act of 2010*, Pub. L. No. 111–376, requires CBP to administer polygraph examinations to all applicants for law enforcement positions. However, the number of Federally-certified polygraph examiners is limited, leading to competition among all agencies to fully staff polygraph programs. The polygraph examination helps to ensure the selection of only those applicants who are most suitable for a law enforcement position. While we have seen that the requirement to undergo a polygraph examination has caused some individuals to forego the application process, the polygraph program has also elicited many admissions of wrongdoing, which would not have been otherwise detected.

The polygraph examination is only one of several factors that have challenged CBP’s ability to expeditiously hire front-line personnel. Another factor is that some individuals simply do not wish to take an entrance exam. Recent data shows that more than 40 percent of CBP applicants failed to either schedule or show up to take the entrance examination. Additionally, it can be difficult to find applicants who are interested in working in remote locations, where there may be limited medical care, schooling, and opportunities for spousal employment.

External factors also influence CBP’s ability to reach its staffing goals, including cyber intrusions and vulnerabilities, which have brought the hiring process to a halt for extended periods. For example, thousands of applications were inaccessible for processing during a 6-week shutdown of the Office of Personnel Management’s (OPM) e-QIP system in 2015. Additionally, several of CBP’s background investigation vendors experienced data breaches or had cybersecurity vulnerabilities identified, which severely diminished CBP’s capacity to initiate background investigations. Although these issues were all temporary, the processing delays that resulted

from such circumstances generated backlogs that often take longer to resolve than the duration of the particular interruption.

Moreover, CBP's hiring is impacted by the limited availability of qualified and suitable applicants. Societal views and changing generational values are making it more difficult to attract suitable applicants to the law enforcement profession, such as CBP's front-line positions. A recent Rand Corporation study on Police Recruitment and Retention, commissioned by the U.S. Department of Justice, found that less than half of American youths consider a police department or law enforcement agency a "desirable" or "acceptable" place to work.¹ The public scrutiny of law enforcement officers, combined with the requirement to work variable schedules and long shifts, and in some cases, in smaller or remote areas of the country, are all potential reasons why individuals under age 37² may be less likely to apply to law enforcement positions.

Compounding the limited applicant pool, CBP faces substantial competition with other law enforcement agencies for quality applicants. The military, other Federal, State, and local law enforcement organizations, and first-responder agencies recruit similar individuals and in some cases, offer higher entry-level salaries, may have a shorter, less rigorous hiring process, may not require individuals to relocate, and may offer more desirable work locations. As a result, the market for applicants is highly competitive.

In addition to the hiring challenges, CBP must backfill positions lost through attrition. The attrition rates for CBPO and BPA in fiscal year 2015 were 3.0 percent and 5.5 percent respectively, requiring that CBP hire approximately 2,000 additional front-line personnel annually just to manage losses. Uncertainties surrounding pay and compensation, coupled with less-than-desirable duty locations, have driven BPA attrition to a point where losses were significantly outpacing gains.

Front-line Hiring Strategies

To address front-line staffing challenges, CBP established a Front-line Hiring Program Management Office (PMO) that brings the agency's subject-matter experts together to develop an integrated and holistic approach to recruiting and hiring front-line personnel. This team is working collectively to integrate previously stove-piped elements of the hiring process and has already made a number of significant improvements, such as developing a front-line hiring data model, which is the first of its kind for CBP. This model provides a high degree of fidelity for the front-line hiring process time lines, identifies potential obstacles in the process, and provides estimates of hiring projections. This model has been the foundation of CBP's front-line hiring process improvement efforts.

The PMO has taken a systematic approach toward addressing the agency's staffing requirements, through the identification of 4 key factors: (1) Increasing the Quality and Quantity of the Applicant Pool; (2) Reducing the Time-to-Hire; (3) Department of Defense Collaboration (DoD); and (4) Reducing Attrition.

Increasing the Quality and Quantity of the Applicant Pool

A key component of CBP's efforts is increasing the number of applicants in the pre-employment process. CBP recently established the National Front-line Recruiting Command (NFRC) to coordinate and strengthen recruiting efforts. This team, comprised of CBP front-line personnel and mission-focused experts, developed a National Front-line Recruitment Strategic Plan that outlines the strategic objectives, critical National and local level partnerships and robust outreach strategies for front-line recruiting. CBP employs data-driven techniques to identify locations, event types, and advertising strategies in order to most directly and efficiently reach individuals potentially interested in careers with CBP. Through the NFRC, CBP partners with industry marketing and recruitment experts to leverage innovative business practices and identify ways to promote diversity within CBP's front-line workforce. As a result of this team's work, CBP was able to increase the number of BPA and CBPO applicants from approximately 40,000 in fiscal year 2014 to over 115,000 in fiscal year 2015. Additionally, CBP is on target to more than double the 1,578 recruitment events in fiscal year 2015 this coming year.

¹Wilson, Jeremy M. et al. Police Recruitment and Retention for the New Millennium: The State of Knowledge. RAND Corporation, 2010. Web. 1 Apr. 2016.

²The Secretary of the Department of Homeland Security has established the maximum entry age for an original appointment to a position as a law enforcement officer (such as a BPA or a CBPO) to be the day before an individual's 37th birthday. However, acting in accordance with the law, CBP waives the maximum entry age for veterans' preference-eligible applicants.

Reducing the Time to Hire

Currently, it takes over a year for a potential front-line employee to move through a process of more than 10 steps before an offer of employment can be made. However, through the recent implementation of process improvements, the average time to hire is continuing to decrease. For example, CBP recently piloted several iterations of a “Hiring Hub” concept, which integrates and consolidates many steps and several months of the hiring processes into a 2-day time frame. These Hiring Hubs, which consolidate the interview, polygraph, provisional clearance determination, and employment offer, have decreased processing time to an average of 160 days, reducing the time to hire by over 60 percent.

In addition to the hiring hubs, which will be expanded throughout fiscal year 2016 and 2017, CBP has implemented a number of additional process improvements to decrease an applicant’s time in our process. By hiring additional personnel for medical adjudications, and by streamlining the medical forms, CBP was able to reduce the medical portion of the hiring process by an average of 43 days. Likewise, by hiring additional polygraph examiners and instituting an abbreviated adjudication process, CBP was able to reduce the polygraph processing time by over 35 percent. Finally, CBP implemented a “provisional clearance” policy, which permits applicants who successfully pass the polygraph examination without any significant admissions to enter on duty to the academy while their background investigation is still ongoing. Since this policy was implemented, over 1,500 individuals were granted provisional clearances and were able to immediately enter the academy.

Department of Defense Collaboration

CBP is collaborating with the Department of Defense (DoD) in developing new strategies to reduce the time to hire of transitioning service members. By taking a holistic approach to our collective business processes and leveraging our combined resources, we are making progress. Together, we are exploring a new method of reciprocity between some elements of the DoD exit process and the CBP pre-employment process. Specifically, CBP is evaluating the feasibility of accepting or granting reciprocity to the scores/results from the military service physical fitness tests and medical examinations. Additionally, we are reviewing the possibility of offering the CBP Entrance Exam via the DoD’s Joint Knowledge Online system. This would allow service members the opportunity to take the entrance examination at any military installation world-wide and would be a first for those stationed in overseas locations. Moreover, CBP is currently conducting hiring hubs at targeted installations following CBP-specific recruitment events. CBP and DoD are exploring the option of formalizing this partnership through installation-specific memorandums of agreement.

CBP’s overall recruitment approach includes robust strategies to recruit veterans and individuals separating from military service. CBP works closely with the DoD to increase awareness about CBP employment opportunities, as well as the benefits available to transitioning service members and veterans. The specific goals of the collaboration are to increase target audience awareness of CBP as a prospective employer, increase the pipeline of applications for mission-critical positions, transform the application process to support the use of veteran-specific hiring authorities, and consolidate multiple steps of the CBP hiring process at military installations. CBP’s goal is to streamline the veteran time to hire processing to an average of 90 days.

With the passage of the *Border Jobs for Veterans Act of 2015*, Pub. L. No. 114–68, CBP and DoD have enhanced collaboration on hiring transitioning service members and veterans for CBPO and BPA positions. Veterans currently represent 28.8 percent of the CBP workforce. With 250,000 to 300,000 members of the Armed Forces separating from military service every year, recruiting from this population constitutes a critical element in CBP’s efforts to fill existing vacancies and complete the hiring of the 2,000 new CBPOs, as well as to meet revised CBPO manpower requirements outlined in the Department of Homeland Security Appropriations Act of 2016. Veterans and individuals separating from military service are often equipped with the skills necessary to succeed in CBP front-line positions. Through this CBP and DoD partnership, we are seeing an increase in the percentage of applicants who are found to be initially qualified based on their applications. CBP will continue to partner with DoD on major recruiting and hiring events with a specific focus on installations with the highest numbers of transitioning soldiers. In fiscal year 2015, CBP participated in 651 veteran recruitment events and has a target of 1,000 events for fiscal year 2016.

While these efforts are still in various stages of implementation, CBP has experienced an improvement in applicant awareness and engagement. CBP is partnering with DoD transition offices across the Nation to provide information sessions and workshops to transitioning service members. One early success of the CBP and DoD

partnership is the creation of CBP's Recruiting Center on Fort Bliss in El Paso, Texas. The Fort Bliss Recruiting Center is the first of its kind for CBP. The DoD Transition Assistance Program Office provided space for CBP's front-line agent and officer recruiters who provide information to transitioning service members on a full-time basis.

Reducing Attrition

Another factor that would improve CBP's ability to reach staffing targets is reducing attrition. CBP is employing a multi-faceted approach, including the development of surveys to be used as part of the out-processing in order to accurately identify the causes of choosing to separate from CBP. Additionally, CBP is exploring creative ways to utilize pay and compensation flexibilities such as special salary rates, relocation and retention incentives, tuition assistance, and student loan repayments to incentivize mission-critical personnel to remain with CBP. Because mobility and assignment diversity is important to CBP's law enforcement personnel, the agency is exploring new ways to utilize rotational assignments and reassignment opportunities. Some operational offices are utilizing reassignment programs and/or "job swaps" to offer enhanced mobility and developmental opportunities to those who are seeking a change in location.

PORTS OF ENTRY RESOURCE OPTIMIZATION

While the 2,000 additional officers funded by the *Consolidated Appropriations Act of 2014* will bring significant support to our mission to secure and facilitate trade and travel through our Nation's POEs, as we noted above, the most recent results of the Workload Staffing Model show a need for 2,107 additional CBPOs and 631 CBPASs through fiscal year 2017. Even with the growth in international travel and trade, this current need reflects a reduction of 517 CBPOs and 92 CBPASs from fiscal year 2015 results (2,624 and 723 respectively). This reduction is primarily due to CBP's continued focus on transforming all facets of OFO operations to increase productivity while reducing our reliance on staffing resources. CBP will continue to pursue POE infrastructure modernization, business transformation efforts, new reimbursement authorities, and partnerships with our stakeholders to bridge current and anticipated mission resource gaps.

Business Transformation Initiatives

Business Transformation Initiatives (BTI) enable CBP to realign CBPO and CBPAS resources to priority initiatives, reduce CBP's required inspection hours, resulting in a decrease of overall workload requirements and equivalent staffing. CBP is embarking on more transformative initiatives to expand traveler technologies, implement biometrics, automate forms collection, and eliminate duplicative processes to save an estimated total of 536,000 inspection hours and the equivalent of 453 CBPOs through fiscal year 2017. These transformative initiatives and technological advancements provide the platform from which CBP can achieve effective and efficient operational success in the face of increased border and air traffic, budget constraints, and demand for new and expanded services at existing and proposed POEs.

In the air environment, BTIs such as Automated Passport Control (APC) and Mobile Passport Control (MPC), which increase primary processing capacity, reduce the administrative burden on CBPOs by automating parts of the inspection process so they can focus on our law enforcement mission, reduce traveler wait times, use airport facilities more efficiently, and minimize missed connections.

In the land environment, despite steady growth in passenger volume, especially of travelers crossing in privately-owned vehicles, in fiscal year 2015, the National average vehicle wait time was 10 percent shorter than the previous year, at 15.6 minutes. Peak wait times have also decreased by 30 percent, to 91 minutes. CBP has been able to achieve these wait time reductions through increased radio frequency identification (RFID) saturation and the corresponding use of Ready Lanes, and also through the on-going increase in land trusted traveler participation.

Ready Lanes are dedicated primary vehicle lanes that offer expedited inspection for travelers with RFID-enabled documents. Over 38 million travelers have obtained RFID-enabled documents—which include Passport Cards, Enhanced Driver's Licenses, Enhanced Tribal Cards, Border Crossing Cards, and Enhanced Permanent Resident Cards, and Trusted Traveler Cards (Global Entry, SENTRI, NEXUS and FAST)—and two-thirds of all Southwest Border crossings are now made with an RFID document. Ready Lane traffic share (not including NEXUS and SENTRI traffic) has increased from 6 percent in 2010 to 38 percent today. In 2015, POEs with Ready Lanes have taken measures (such as traffic segmentation, improved signage, and more responsive active lane management) to increase Ready Lane benefits for

participating travelers. This year, Ready Lane waits averaged 30 percent less than waits in the general lanes.

While Ready Lanes provide a wait time benefit to travelers, they also assist CBP. Since Ready Lanes are more efficient than general lanes, they process more vehicles (about 10 more) per hour than general lanes. In 2015, the average Ready Lane processed 53.1 vehicles per hour, per booth, compared to just 43.5 vehicles in the general lanes. This efficiency benefits CBP managers who are constrained by available booths (facilities) and staff (labor).

CBP's Trusted Traveler Programs, such as SENTRI, NEXUS, and Global Entry, continue to expedite low-risk, vetted international travelers while enabling CBP to focus on those unknown or high-risk travelers. All Trusted Traveler participants must be pre-approved and undergo a rigorous background check and personal interview before enrollment. In fiscal year 2015, at Southwest Border POEs, the average SENTRI crossing was 40.7 seconds faster than traditional processing with SENTRI travelers experiencing an average of 19.1 minutes less (73 percent) in wait times than non-participants.

In May 2013, CBP automated Form I-94 in the air and sea environment. The automated system allows CBPOs to create an I-94 Arrival Record within primary and secondary inspection processing systems at the time of inspection with passenger manifest information, eliminating the need for paper forms and manual data entry. CBP has reported over 86,000 inspection hours avoided related to the automation of the I-94 in the air environment since fiscal year 2013. However, the current land border I-94 process, to include the I-94W, unfortunately remains labor-intensive for CBPOs. In order to create a more efficient land border process, CBP intends to enhance the existing I-94 web portal to include additional functionality that allows a traveler to submit information to CBP and pay the required fee prior to arrival at a port of entry. CBP intends to launch the on-line I-94 application and fee payment later this year, which is estimated to reduce the I-94 process time by almost 50 percent.

The gap in CBPAS staffing will be mitigated through the expansion of agriculture-related BTIs like the expansion of Enforcement Link Mobile Operations-Cargo (ELMO-c) initiative to outfit CBPAS with mobile devices. The mobile devices allows CBPASs to release more cargo in a shorter amount of time since they do not have to return to the office. Full deployment of mobile devices to all CBPASs is expected to be completed by the end of 2016.

Finally, CBP is the lead organization within the Department of Homeland Security (DHS) responsible for developing and implementing a comprehensive entry/exit system. CBP, working in partnership with the DHS Science and Technology Directorate (S&T) Apex Air Entry/Exit Re-engineering Program, has benefitted from S&T's deliberate process for analyzing and rigorously evaluating existing entry/exit processes, identifying opportunities for optimization, and implementing improvements that will maximize traveler identity assurance while facilitating legitimate travel and trade in the air and land environments. In the air environment, CBP has been testing biometric facial comparison technology and mobile biometric capture technology and working to incorporate the technology into existing operations in a manner that minimizes adverse impacts to international air traveler processing.

In the land border environment, on the Northern Border, CBP and the Canada Border Services Agency have partnered to create a biographic entry/exit data exchange to improve each other's visibility and control of individuals crossing our shared land border. Both countries now exchange data so that information collected on an entry into one country is automatically recorded as an exit from another. CBP is able to match entry and exit land border crossings at over 98 percent, significantly improving the CBP's situational awareness along the Northern land border.³

On the Southwest land border, CBP has been developing new biometric screening capabilities for non-U.S. citizens entering and departing the United States through a Southwest land border pedestrian crossing. This new capability will assist CBPOs to accurately identify departing pedestrians and record their exit to enhance situational awareness and support the identification of overstays. Most non-U.S. citizens will have their biometrics—facial and iris images—collected upon entry for future comparison to facial and iris images collected during departure. In addition to testing the matching capabilities of new biometric modalities, the field test will also evaluate how this biometric technology captures while the individual is “on the move,” how it captures from a distance, and how it operates in the challenging out-

³The current arrangement allows for the sharing of crossing data on all third-country nationals. However, there are plans to expand this partnership to also cover Canadian and U.S. citizens. Since its start on June 30, 2013, CBP has collected over 1 million records from Canada—about 10,000 to 15,000 per day.

door environment of the Southwest land border. CBP implemented the departure experiment at the Otay Mesa POE near San Diego, California, in February 2016.

CBP's BTIs are an important pillar of the Resource Optimization Strategy and allow CBP to realign CBPO and CBPAS resources to priority initiatives. BTIs also reduce CBP's required inspection hours, resulting in a decrease of overall workload requirements and equivalent staffing. The fiscal year 2017 President's budget supports CBP's BTIs, which have saved over 600,000 inspectional hours in fiscal year 2015 and are estimated to save over 500,000 inspectional hours through fiscal year 2017.

Land Border Ports of Entry Modernization

Effective and efficient POE infrastructure is critical to CBP's mission to secure and facilitate lawful trade and travel. Of the Nation's 328 official POEs, 110 are LPOEs responsible for operating 167 separate crossings along our borders with Mexico and Canada. Most of the LPOE inspection facilities were not designed to meet the post-9/11 security and operational missions of CBP. Rather, they were built to support the distinct operations of legacy DHS components, such as the U.S. Customs Service, the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, and the U.S. Immigration and Naturalization Service.

Today, CBP's operations entail sophisticated targeting and communication systems, state-of-the-art detection technology, and a cadre of professional law enforcement personnel to identify, screen, and inspect high-risk persons and cargo and maintain an efficient stream of cross-border travel and trade. However, the success of our operational strategy depends heavily on the condition and operational utility of the inspection facilities and the availability of CBP personnel.

Several LPOEs were built more than 70 years ago and require renovation or replacement to meet present-day operational and security standards. Many constructed as recently as 15 to 20 years ago also require significant modernization to address growing demands for additional processing capacity, new security requirements and enforcement technologies, and the need to maximize the efficiency of existing personnel and resources. To construct and sustain CBP's LPOE inspection facilities, CBP works in close partnership with the General Services Administration's (GSA) Public Buildings Service, which manages many of the LPOE facilities.

As the facility operator at all LPOEs, including those owned or leased by GSA, CBP works in close coordination with GSA to identify long-term future investments for funding through the GSA Federal Buildings Fund. Through this collaborative project team approach, both agencies work to ensure that the available Federal funding is directed to the areas of greatest need within the GSA portfolio in accordance with the capital investment plan.

CBP employs a multi-step process to plan for all LPOE modernization investments, whether planned for a CBP-owned or a GSA facility. This process includes gathering data using the Strategic Resource Assessment (SRA) process, evaluating identified needs at each POE location, conducting a sensitivity analysis on the initial ranking of needs, and assessing project feasibility and risk. The culmination of this process is a final prioritization of proposed modernization projects and the development of a capital investment plan in coordination with GSA. This capital investment plan divides the project list into feasible annual work plans that reflect the analytical conclusions and incorporate project phasing and funding requirements. CBP and GSA update the capital investment plan annually, taking into account any changes in DHS's mission and strategy, changing conditions at the LPOEs, and any other factors discovered in the course of projects already under way.

Infrastructure enhancements are critical to the improvement of trade and travel facilitation; these changes are necessary to support current traffic volumes and modern technology. Although stimulus funding appropriated under the American Recovery and Reinvestment Act (ARRA), Pub. L. No. 111-5, enabled CBP and GSA to fund many large-scale LPOE capital construction and facility improvement projects, significant additional investment is necessary to modernize the entire LPOE portfolio. Thanks to the support of Congress, CBP received authority to accept reimbursement for activities and donations

PARTNERSHIPS WITH THE PRIVATE-SECTOR AND GOVERNMENT ENTITIES

While modernizing POE infrastructure and facilities, improving business processes, and increasing the number of CBPOs have been successful, the updated Workload Staffing Model results continue to show a need for additional capability to fully meet the standards set by statute, regulation, and CBP policies, assuming maintenance of current processes, procedures, technology, and facilities. Furthermore, CBP is frequently asked by our stakeholders to provide new or additional

services and infrastructure at POEs across the country. We recognize the potential economic impact for new or expanded service and infrastructure, and we very much want to support these endeavors. However, due to budget restraints and limited resources, we are not always able to accommodate these requests.

A key aspect of CBP's 3-pronged Resource Optimization Strategy is the exploration of partnering with the private sector through such activities as reimbursement and potential acceptance of donations. As part of CBP's Strategy, CBP received authority to enter into agreements under Section 560 of Division D of the *Consolidated and Further Continuing Appropriations Act, 2013*, Pub. L. No. 113-6 (Section 560); Section 559 of Division F of the *Consolidated Appropriations Act, 2014*, Pub. L. No. 113-76 (Section 559); and Section 550 of the *Consolidated Appropriations Act of 2016*, Pub. L. No. 114-53.

Under Section 560, CBP received authority allowing the commissioner of CBP to enter into no more than 5 agreements, under certain conditions, to provide new or enhanced services on a reimbursable basis in any of CBP's non-foreign operational environments. CBP implemented this authority, entering into agreement with the participating locations⁴ before the late December 2013 statutory deadline. In the first 6 months of the program, CBP was able to provide an additional 7,000 CBP Officer assignments and opened primary lanes and booths for an additional 18,000 hours at the request of our partners, increasing border processing throughput at U.S. air and land POEs under this program. In January 2014, CBP received additional authority under Section 559, which authorizes CBP to enter into partnerships with private-sector and Government entities at ports of entry to reimburse the costs of certain CBP services and to accept donations of real and personal property (including monetary donations) and non-personal services.

Both provisions respond to CBP's efforts to find innovative approaches to meet the growing demand for new and expanded facilities and, in particular, the on-going modernization needs of CBP's LPOE portfolio.

Reimbursable Services Agreements

Section 559(e) expands CBP's authority, under a 5-year pilot program, to enter into reimbursable agreements similar to the fiscal year 2013 "Section 560" authority. This new authority allows CBP to support requests for expanded services, including customs, agricultural processing, border security services, and immigration inspection-related services at POEs; salaries for additional staff; and CBP's payment of overtime expenses at airports. There is no limit on the number of agreements CBP can enter into at CBP-serviced seaports or land border POEs. However, at airports, Section 550 of the *Consolidated Appropriations Act, 2016* expanded the statutory limit to 10 agreements per year, which will allow CBP to increase the impact of this program to additional stakeholders and the traveling public. Additionally, the law stipulates that agreements may not unduly and permanently impact existing services funded by other sources.

CBP evaluates each Reimbursable Services Agreement (RSA) proposal based on a single set of objective and carefully-vetted criteria to ensure that final recommendations will be most beneficial to CBP, to the requesting parties, and to the surrounding communities. The main factors of consideration include the impact on CBP operations; funding reliability; community and industry concerns; health and safety issues; local/regional economic benefits; and feasibility of program use.

RSAs enable stakeholders to identify enhanced services needed to facilitate growing volumes of trade and travel at specific POEs, and enables CBP to receive reimbursement so that we can fulfill those requirements. The authority provides stakeholders and CBP the flexibility to meet situational or future demand for extended or enhanced services to secure and facilitate the flow of trade or travel at participating ports. At LPOEs this authority enables CBP to open and staff additional lanes or provide services for extended hours to reduce wait times and expedite commercial and personal traffic. At airports, RSAs enable CBP to staff additional booths on an overtime basis during peak hours. At seaports, RSAs enable CBP to provide additional processing of cruise passengers and commercial cargo, furthering the facilitation of travel and trade.

In the first 26 months of the program, CBP has entered into agreements with 28 stakeholders, providing more than 145,000 additional processing hours at the request of our partners—accounting for the processing of more than 3.5 million travelers and nearly 525,000 personal and commercial vehicles. Among the participating airports, the added hours and supplementary lane openings, in conjunction with

⁴The Section 560 participating partners are the Dallas/Fort Worth International Airport Board, the city of El Paso, Miami-Dade County, the city of Houston/Houston Airport System, and the South Texas Assets Consortium.

other passenger processing initiatives, have helped decrease wait times by an average of almost 30 percent while traveler volume has increased about 7 percent. The program continues to expand as new agreements are signed every year, as authorized by this 5-year pilot program.⁵

Donation Acceptance Authority

Section 559(f), the Donation Acceptance Authority, authorizes CBP and GSA to accept donations of real or personal property (including monetary donations) or non-personal services from private sector or Government entities. Any donation accepted may be used for necessary activities related to the construction, alteration, operation, or maintenance of a new or existing POE, including but not limited to: Land acquisition, design, and the deployment of equipment and technologies. These donations are expected to reduce border wait times, support increased traffic flow and volume, create jobs, and address critical operational and regional border master plan infrastructure and technology priorities across the United States.

The Donation Acceptance Authority requires that CBP and GSA establish and publish its procedures and criteria for evaluating donation proposals submitted under Section 559. CBP and GSA coordinated closely to satisfy this statutory requirement by jointly developing the Section 559 Donation Acceptance Authority Proposal Evaluation Procedures & Criteria Framework, which CBP published on October 1, 2014.⁶ This document outlines the robust operational and technical evaluation criteria that CBP and GSA use to determine proposal viability. These criteria include, but are not limited to, the impact to CBP operations, increased trade and travel efficiency, economic and community benefits, financial feasibility, and real estate and environmental implications. This document also describes the procedures that CBP and GSA use to systematically plan, develop, and formally accept proposed donations in close coordination with its public and private-sector partners.

Last year, CBP announced that proposals submitted by the city of Donna, Texas; the city of El Paso, Texas; and the city of Pharr, Texas had been selected for further planning and development. CBP and GSA have since forged strong, mutually-beneficial partnerships with each of the aforementioned municipalities and are actively collaborating with them to accomplish our shared border infrastructure and technology goals. This spring, CBP and GSA expect to announce the fiscal year 2016 donation proposal selections and look forward to working with our new partners to plan and develop their conceptual proposals into executable projects.

In sum, CBP is implementing business improvements, thoroughly and systematically analyzing port of entry infrastructure needs and exploring alternative sources of funding to bridge current and anticipated mission resource gaps. Both the Reimbursable Services Authority and the Donation Acceptance Authority enable CBP to build effective partnerships with stakeholders to address the port requirements necessary to support growing volumes of travel and trade.

CONCLUSION

Legitimate travel and trade play a critical role in the Nation's economic growth, and CBP recognizes its role in sustaining such growth. The combination of highly-trained personnel, technology, and modernized facilities form the essential foundation for CBP's operational strategy, which every POE, large or small, must be able to support. CBP continues to evaluate and optimize its primary hiring and business processes and will further develop transformation initiatives to accomplish our mission more effectively and efficiently.

Chairwoman McSally, Ranking Member Vela, and Members of the subcommittee, thank you for the opportunity to testify today. We are happy to answer any questions you may have.

Ms. MCSALLY. Thank you, Mr. Wagner. The Chair now recognizes Mr. Gelber for 5 minutes.

⁵ A full list of current participants is available at <http://www.cbp.gov/border-security/ports-entry/resource-opt-strategy/public-private-partnerships/reimbursable-services-program>.

⁶ http://www.cbp.gov/sites/default/files/documents/DAA%20Proposal%20Evaluation%20Procedures%20%26%20Criteria%20Framework_Public%20FINAL.pdf.

**STATEMENT OF MICHAEL GELBER, DEPUTY COMMISSIONER,
PUBLIC BUILDINGS SERVICE, U.S. GENERAL SERVICES AD-
MINISTRATION**

Mr. GELBER. Good morning, Chairman McSally, acting Ranking Member Higgins, and Members of the subcommittee. My name is Michael Gelber, and I am the deputy commissioner of the U.S. General Services Administration, Public Building service. Thank you for inviting me to this hearing on prioritizing and improving the Department of Homeland Security's Customs and Border Protection's facility infrastructure.

GSA's mission is to deliver the best value in real estate acquisition and technology services to Government and the American people. As part of this mission, GSA maintains a close partnership with CBP to meet that agency's space needs along our Nation's borders. CBP is our primary partner among the Federal inspection agencies stationed along America's land borders. GSA works closely with CBP to design, construct, maintain, and operate land ports of entry along more than 1,900 miles of border between the United States and Mexico, and more than 5,500 miles of border between the United States and Canada. These ports are critical to the Nation's trade and security.

From 2000 to 2014, the combined value of trade between the United States and Canada, and the United States and Mexico via surface transport increased by over 80 percent, from \$546 billion in 2000 to \$987 billion in 2014. Safe, secure, and modern land ports along our borders are critical to ensuring an efficient flow of commerce and people that support American jobs and economic growth. Over the 167 land ports of entry along the American border GSA manages 124, of which the Government owns, or partially owns 102. GSA's land ports of entry encompass more than 5.5 million square feet of space.

Given the importance of these land ports of entry, GSA, in collaboration with CBP, prioritizes investment to modernize and upgrade these ports. To ensure these investments address CBP's highest-priority needs, GSA relies on priorities established by CBP.

Over the past 16 years, GSA has invested more than \$1.8 billion from the Federal buildings fund to deliver more than 20 new land ports of entry along our Nation's Northern and Southern Borders. Since 2013, GSA has requested over a billion in support of land port modernization, including GSA's fiscal year 2017 request of \$248 billion to reconfigure and expand the land port of entry in Calexico, California, and \$5.7 million for the design and construction of a new animal inspection facility in Pembina, North Dakota.

Of these requests, Congress has provided approximately \$700 million to date. Without full funding requested in the President's annual budget, GSA cannot execute the land port upgrades that are critically needed. CBP and GSA consult with stakeholder agencies at the onset of project planning and continue this relationship throughout project development and execution.

If a project involves a new border crossing and/or a substantial modification of an existing crossing, GSA works closely with the Department of State, which must determine whether the project is in the National interest, justifying issuance of a Presidential permit.

GSA also works closely with the Department of Transportation's Federal Highway Administration, and the transportation departments from the border States when planning border infrastructure projects. GSA has seen significant interest in finding funding alternatives to direct Federal appropriations to support the delivery of land port projects. One tool for supporting Federal efforts is section 559, the donation acceptance program, which authorizes GSA and CBP to receive donations and reimbursable services for land port of entry projects.

Under this program, projects are being further assessed and developed in the cities of Donna, El Paso, and Pharr, Texas. In Donna, GSA and CBP have helped the city complete concept development for their proposals, while the El Paso and Pharr port of entry modernization projects are in concept development.

GSA and CBP are currently reviewing fiscal year 2016 donation acceptance program proposals which may provide additional investment and infrastructure and technology at land ports of entry.

Thank you for the opportunity to speak with you today about GSA's on-going partnership with CBP to improve the Nation's infrastructure along America's borders. I welcome the opportunity to discuss commitment to strategic investment in the Nation's land port of entry, and I am happy to answer any questions you may have.

[The prepared statement of Mr. Gelber follows:]

PREPARED STATEMENT OF MICHAEL GELBER

APRIL 19, 2016

INTRODUCTION

Good morning Chairman McSally, Ranking Member Vela, and Members of the subcommittee. My name is Michael Gelber, and I am deputy commissioner of the U.S. General Services Administration's (GSA) Public Buildings Service. Thank you for inviting me to this hearing on prioritizing and improving the Department of Homeland Security's Customs and Border Protection's (CBP) facility infrastructure.

GSA's mission is to deliver the best value in real estate, acquisition, and technology services to Government and the American people. As part of this mission, GSA maintains a close partnership with CBP to meet that agency's space needs along our Nation's borders. CBP is our primary partner among the Federal inspection agencies stationed along America's land borders.

I look forward to describing how GSA partners with CBP concerning how the Federal Government prioritizes and executes land port projects to improve security, trade, and economic opportunities.

GSA'S ON-GOING PARTNERSHIP WITH CBP

GSA works closely with CBP to design, construct, maintain, and operate land ports of entry along more than 1,900 miles of border between the United States and Mexico and more than 5,500 miles of border between the United States and Canada. These ports are critical to the Nation's trade and security.

On a daily basis, approximately 380,000 people cross the U.S.-Canada border. From 2000 to 2014, the combined value of trade between the United States and Canada and the United States and Mexico via surface transport increased by over 80 percent, from \$546 billion in 2000 to \$987 billion in 2014. Safe, secure, and modern land ports along our borders are critical to ensuring an efficient flow of commerce and people that support American jobs and economic growth.

Of the 167 land ports of entry (LPOEs) along the U.S. borders, GSA manages 124, of which the Government owns or partially owns 102. GSA's land ports of entry encompass more than 5.5 million square feet of space. Additionally, CBP owns and operates 40 primarily smaller locations, mostly in remote, rural areas. The Department of Agriculture owns one land port of entry, and the Department of the Interior—National Park Service owns 2 ports.

Given the importance of these land ports of entry, GSA, in collaboration with CBP, prioritizes investment to modernize and upgrade these ports. To ensure these investments address CBP's highest priority needs, GSA relies on the priorities established with CBP's in the planning process for portfolio upgrades. CBP employs a multi-step process to develop its plan. This list of priorities can include expansion and modernization of existing land ports along with new port construction.

CBP's process includes gathering data through a Strategic Resource Assessment planning progress, scoring identified needs at each port, conducting a sensitivity analysis on the initial ranking of needs, assessing project feasibility and risk, and establishing an executable capital investment plan.

Over the past 16 years, GSA has invested more than \$1.8 billion from the Federal Buildings Fund to deliver more than 20 new land ports along our Northern and Southern Borders. Since 2013, GSA has requested over \$1 billion in support of land port modernization, including GSA's fiscal year 2017 request of \$248,213,000 to reconfigure and expand the land port of entry in Calexico, California, and \$5,749,000 for design and construction of a new animal inspection facility for the U.S. Department of Agriculture Animal and Plant Health Inspection Service at the Pembina, North Dakota land port of entry. Of these requests, Congress has provided approximately \$700 million.

Without the full funding requested in the President's annual budget, GSA cannot execute the land port upgrades that are critically needed. GSA works with CBP to execute the projects that received enacted appropriations.

LAND PORT PRIORITIZATION

CBP and GSA consult with stakeholder agencies at the onset of project planning and continue this relationship throughout project development and execution. If a project involves a new border crossing and/or a substantial modification of an existing crossing, GSA works closely with the Department of State, which must determine whether the project is in the National interest justifying issuance of a Presidential Permit. GSA also works closely with the Department of Transportation's Federal Highway Administration (FHWA) and the transportation departments from the 15 border States when planning border infrastructure projects.

CBP and GSA are partners in the border master planning process on the U.S.-Mexico border. In addition to coordination with State and local agencies, the border master planning process also includes Mexican federal, state, and local government entities as well as other Federal agencies including State Department, DOT (FHWA, Federal Motor Carrier Safety Administration, etc.) and sometimes private partners as well (railroads, for example). The resulting Border Master Plan is a listing of project priorities that State and local governments rank regionally and provide guidance to help CBP and GSA rank projects Nationally.

With respect to land ports at the Northern Border, GSA works closely with the Department of State to coordinate with Government offices at all levels in Canada.

IMPROVING LAND PORTS OF ENTRY

GSA has also seen significant interest in finding funding alternatives to direct Federal appropriations to support the delivery of high-priority land port projects. One tool for supporting Federal efforts is the Section 559 Donation Acceptance Program (DAP), which authorizes GSA and CBP to receive donations and reimbursable services for land port of entry projects.

Under this program, projects are being further assessed and developed in the cities of Donna, El Paso, and Pharr, Texas. In Donna, for example, GSA and CBP have helped the city complete concept development; while in El Paso and Pharr, port of entry modernization projects are in the concept development phase.

GSA and CBP are currently in the process of reviewing DAP fiscal year 2016 proposals, which may provide additional investment in, and expedition of, infrastructure and technology improvements at ports of entry.

CONCLUSION

Thank you for the opportunity to speak with you today about GSA's on-going partnership with CBP to improve the Nation's infrastructure along America's borders. I welcome the opportunity to discuss GSA's commitment to strategic investment in the Nation's land ports of entry, and am happy to answer any questions you may have.

Ms. MCSALLY. Thank you, Mr. Gelber. The Chair now recognizes Mr. Reardon for 5 minutes.

**STATEMENT OF ANTHONY M. REARDON, NATIONAL
PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION**

Mr. REARDON. Chairwoman McSally, acting Ranking Member Higgins, thank you for the opportunity to testify on CBP's efforts to prioritize and improve staffing, to keep pace with the country's trade, travel, and security needs. As NTEU president, I have the honor of leading a union that represents over 25,000 CBP employees who are stationed at 328 U.S. air, sea, and land ports of entry and a pre-clearance operations overseas. There is no greater roadblock to trade and travel efficiency and security needs than the lack of sufficient staffing at ports. Studies have shown that for every 1,000 CBP Officers hired, 3,300 private-sector jobs are created. Understaffed ports lead to long delays in travel and cargo lanes, and create a significant hardship for employees and contribute to CBP's perennial low ranking in Federal employee surveys.

Both involuntary overtime and involuntary work assignments far from home disrupt CBP Officers' family life and destroy morale. NTEU is most concerned that CBP continues to fall short in its authorized staffing levels by approximately 800 of the 2,000 CBP Officers funded by Congress in 2014. CBP contends that they are unable to find eligible applicants. One factor may be that CBP is not utilizing available pay flexibilities, such as recruitment awards and special salary rates, to incentivize new and existing CBP Officers to seek vacant positions at hard-to-fill ports.

An example of the negative impact staffing shortages have on CBP Officers can be found at San Ysidro, where CBP has instituted involuntary temporary duty assignments, or TDYs. While asserting that it would prefer to use volunteers and not involuntarily draft employees, CBP has rejected NTEU proposals that would incentivize employees to volunteer.

Forced TDYs caused by on-going staffing shortages undermine employee morale, and undermine overall recruitment efforts, especially since the very best recruiters should be current CBP Officers. Unfortunately, many Officers would not encourage their family members or friends to seek employment with CBP.

In its fiscal year 2017 budget submission, CBP offered several proposals to mitigate the on-going staffing shortage of approximately 2,100 CBP Officers. One proposal which NTEU strongly opposes is to backfill 50 CBP Officer attrition vacancies in fiscal year 2017 with 50 CBP technicians in order to free up CBP Officers from administrative duties. NTEU supports hiring additional CBP technicians to free up CBP Officers from administrative duties as long as CBP is not reducing the current on-board goal of 23,821 CBP Officers, since CBP technicians are not qualified as CBP Officers. Hiring new CBP Officers should be CBP's priority.

A funding proposal in CBP's budget submission that NTEU strongly supports is for Congress to authorize a \$2 increase in Immigration and Customs user fees to fund the hiring of the 2,100 additional CBP Officers needed to end the current CBP Officers staffing shortage.

In recent years, in order to find alternative sources of funding to address serious staffing shortages, CBP received authorization and has entered into reimbursable service agreements with private sec-

tor as well as State and local government entities. NTEU believes that the RSAs are not a long-term funding solution, and cannot replace the need for Congress to either authorize and increase in Customs and Immigration user fees, or provide increased appropriations to hire additional CBP Officers without undermining CBP's mission and independence by transforming it into a pay-to-play agency.

The CBP employees I represent are frustrated, and their morale is indeed low. They work hard and care deeply about their jobs and their country. They understand that budgets are tight and remain dedicated to performing difficult jobs every day, despite the impact of on-going staffing crisis. Both CBP and Congress should address these important staffing issues. CBP needs to improve its hiring process that has delayed the hiring of the 2,000 Officers funded in 2014, and if Congress is serious about job creation and border security, it needs to fund the hiring of the remaining 2,107 CBP Officers, and the 631 Agriculture Specialists identified in CBP's 2016 workload staffing model.

Thank you, and I am happy to answer questions.

[The prepared statement of Mr. Reardon follows:]

PREPARED STATEMENT OF ANTHONY M. REARDON

APRIL 19, 2016

Chairman McSally, Ranking Member Vela, distinguished Members of the subcommittee; thank you for the opportunity to provide this testimony. As president of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 25,000 Customs and Border Protection (CBP) Officers and trade enforcement specialists stationed at 328 land, sea, and air ports of entry across the United States and 16 pre-clearance stations currently at Ireland, the Caribbean, Canada, and United Arab Emirates airports.

NTEU supports the administration's fiscal year 2017 budget that provides \$12.9 billion for Customs and Border Protection (CBP), an increase of 5.2% over fiscal year 2016. In fiscal year 2017, CBP plans to have on board 23,861 CBP Officers at the ports of entry—which achieves the hiring goal of 2,000 additional CBP Officers initially funded in fiscal year 2014.

The most recent results of CBP's Workload Staff Model (WSM)—factoring in the additional 2,000 CBP Officers from the fiscal year 2014 appropriations—shows a need for an additional 2,107 CBP Officers through fiscal year 2017. The Agriculture Resource Allocation Model (AgRAM) calculates a need for an additional 631 CBP Agriculture Specialists for a total of 3,045. CBP's fiscal year 2017 budget submission seeks Congressional approval to fund these 2,107 new CBP Officers through an increase in user fees, but includes no additional funding to address the current 631 Agriculture Specialist staffing shortage.

There is no greater roadblock to legitimate trade and travel efficiency than the lack of sufficient staff at the ports. Understaffed ports lead to long delays in commercial lanes as cargo waits to enter U.S. commerce and also creates a significant hardship for CBP employees.

An example of the negative impact staffing shortages have on CBP Officers can be found at the San Ysidro port of entry where CBP has instituted involuntary temporary duty assignments (TDYs) to address a staffing crisis there. At John F. Kennedy (JFK) Airport, CBP has granted overtime exemptions to over one-half of the workforce to allow managers to assign overtime to Officers that have reached the statutory overtime cap. Both involuntary overtime—resulting in 12- to 15-hour shifts, day after day, for months on end—and involuntary work assignments far from home disrupt CBP Officers' family life and destroy morale. On-going staff shortages directly contribute to CBP's perennial ranking at the very bottom of the Partnership for Public Service's "Best Places to Work" Survey—314 out of 320 agency subcomponents on the latest survey.

For years, NTEU has maintained that delays at the ports result in real losses to the U.S. economy. According to the U.S. Department of the Treasury, more than 50 million Americans work for companies that engage in international trade and, ac-

cording to a University of Southern California (USC) study, “The Impact on the Economy of Changes in Wait Times at the Ports of Entry”, dated April 4, 2013, for every 1,000 CBP Officers added, the United States can increase its gross domestic product (GDP) by \$2 billion, which equates to 33 new private-sector jobs per CBP Officer added. This analysis was supplemented by USC in its update entitled “Analysis of Primary Inspection Wait Times at U.S. Ports of Entry” published on March 9, 2014. This study found that by adding 14 CBP Officers at 14 inspection sites in 4 international airports, the potential total net impact would be to increase annual GDP by as much as \$11.8 million.

CBP OFFICER HIRING CHALLENGES

Of major concern to NTEU is that CBP continues to fall short in its authorized hiring efforts by approximately 800 of the 2,000 officers that were funded by Congress in 2014. According to CBP, they hope to have hired the 2,000 authorized by the second quarter of 2017. CBP contends that they are unable to find eligible applicants to fill the vacant positions.

One factor that may be hindering hiring is that CBP is not utilizing available pay flexibilities, such as recruitment awards and special salary rates, to incentivize new and existing CBP Officers to seek vacant positions at these hard-to-fill ports, such as San Ysidro.

NTEU and CBP are currently negotiating over the agency’s proposal to draft CBP Officers to work involuntary TDYs at San Ysidro for longer than 90 days. CBP has made this proposal because its solicitation for volunteers to staff this TDY is no longer keeping up with what CBP believes to be its staffing requirements. Yet, while asserting that it would prefer to use volunteers and not involuntarily draft employees, CBP has rejected NTEU proposals that would incentivize employees to volunteer. For example, CBP has balked at offering any monetary incentives or seeking legislative changes to allow special hiring incentives such as student loan repayments to entice more individuals to apply to work in San Ysidro.

To help address staffing shortages, NTEU is also exploring whether our members would be interested in CBP offering an entry-level age waiver of 40 years and a mandatory retirement age waiver of 60 years as a means to attract a larger pool of potential applicants and to reduce attrition rates due to the statutory mandatory retirement at age 57 years.

Finally, the best recruiters are likely current CBP Officers. Let me rephrase that and say that current CBP Officers could be the best recruiters. Unfortunately, based on their experiences with the agency, many officers would never encourage their family members or friends to seek employment with CBP. That ought to be telling them something pretty important too. I have suggested to CBP leadership that they look at why this is the case.

In its fiscal year 2017 budget submission, CBP offered several proposals to mitigate the on-going staffing shortage of 2,107 CBP Officers that will continue into fiscal year 2017 and beyond. One of these proposals is to backfill 50 CBP Officer attrition vacancies in fiscal year 2017 with CBP Technicians in order to free up CBP Officers from administrative duties. NTEU supports the hiring of additional CBP Technicians to free up CBP Officers from administrative duties as long as CBP is not reducing the current on-board goal of 23,821 CBP Officers. However, CBP’s proposal, as outlined in its fiscal year 2017 budget submission, proposes a 1-for-1 replacement of 50 CBP Officer positions with 50 CBP Technicians. NTEU strongly opposes this proposal.

CBP Technicians cannot “backfill” CBP Officer positions, because they are not qualified as CBP Officers. With an on-going shortage of 2,107 CBP Officers, hiring new CBP Officers should be CBP’s priority. NTEU supports hiring additional CBP Technicians to give administrative support to CBP Officers, but strongly objects to CBP replacing CBP Officer positions made vacant through attrition with CBP Technicians.

A funding proposal in the fiscal year 2017 CBP budget submission that NTEU strongly supports is for Congress to authorize a \$2.00 increase in immigration and customs user fees to fund the hiring of the 2,107 additional CBP Officers needed to end the current CBP Officer staffing shortage.

NTEU was disappointed that Congress, in last year’s highway bill, indexed Customs user fees to inflation, but diverted this fee increase to serve as an offset for highway and infrastructure funding, rather than to hire additional CBP Officers.

By diverting the difference in the amount of Customs user fees collected currently and the additional amount indexed to inflation to non-CBP related projects both increases the cost to the private sector by escalating the current level of customs user fees paid over the next 10 years, and compels the private sector to separately fund—

through Reimbursable Service Agreements (RSA)—CBP inspectional staffing and overtime. NTEU will work to redirect this \$400 million a year funding stream back to CBP for its intended use—to pay for CBP inspection services provided to the user.

REIMBURSABLE SERVICE AGREEMENTS (RSA)

In recent years, in order to find alternative sources of funding to address serious CBP Officers and Agriculture Specialist staffing shortages, CBP received authorization and has entered into RSAs with the private sector as well as with State and local government entities. These organizations reimburse CBP for additional inspection services including overtime pay and the hiring of new personnel that in the past has been paid for entirely by user fees or appropriated funding. According to CBP, since the program began in 2013, CBP has entered into agreements with 21 stakeholders, providing more than 112,000 additional processing hours for incoming commercial and cargo traffic at a cost of nearly \$13 million to these public and private-sector partners.

Section 560 of the fiscal year 2013 DHS appropriations bill authorized CBP to enter into 5 reimbursable fee agreements for a 5-year term with the city of El Paso land port of entry; the city of Houston Airport System; Dallas/Fort Worth International Airport; Miami-Dade County; and the South Texas Assets Consortium (STAC.) It should be noted that agricultural inspectional services are not eligible for reimbursement under the Section 560 program, as it is limited to “customs and immigration” inspectional services such as salaries, benefits, relocation expenses, travel costs, and overtime as necessary at the city of El Paso land ports and solely to overtime at the 3 air ports of entry.

An expansion of the Section 560 RSA CBP pilot program was authorized by Section 559 of the Consolidated Appropriations Act of 2014 (Pub. L. 113–76). Section 559 expanded on the Section 560 RSAs by allowing for increased services at newly-selected ports, to include customs, immigration, agricultural processing, and border security services. Because of the need for CBP Agriculture Specialists to process incoming produce, STAC quit the 560 program and applied for the 559 program. Under Section 560, RSAs were limited to CBP Officer overtime and staffing, except in the air environment where only CBP Officer overtime reimbursement is allowed. Under both Section 560 and 559, reimbursement for the hiring of additional CBP Officer and CBP Agriculture Specialist positions is allowed at sea and land ports, but only overtime reimbursement is allowed at airports.

The new Section 559 has no restriction on the number of RSAs for sea and land ports and no limits on the terms of agreement for customs, agricultural processing, border security services, and immigrations inspection-related services. These costs may include salaries, benefits, administration, transportation, relocation expenses, and overtime expenses incurred as a result of the services requested.

NTEU’S RSA CONCERNS

NTEU believes that the RSA program would be entirely unnecessary if Congress authorized user fees collected to be indexed to inflation, with the additional funding provided by indexing being used as set forth in existing statute. NTEU also believes that the RSA program is a Band-Aid approach and cannot replace the need for Congress to either authorize an increase in customs and immigration user fees indexed to inflation or to authorize increased appropriations to hire additional new CBP Officers to adequately address CBP staffing needs.

Further, NTEU strongly believes that CBP should not enter into a RSA if it would negatively impact or alter services funded under any Appropriations Acts, or services provided from any Treasury account derived by the collection of fees. RSAs simply cannot replace CBP appropriated or user fee funding—making CBP a “pay-to-play” agency. NTEU remains concerned with CBP’s new pre-clearance expansion program that also relies heavily on “pay-to-play”.

NTEU also believes that the use of RSAs to fund CBP staffing shortages raises significant equity and other issues, which calls for an engaged Congress conducting active oversight.

For example:

- How does CBP ensure that RSAs are not only available to ports of entry with wealthy private-sector partners? (When RSAs were first considered, there was a proposal to require 30% of the total RSA funds collected be reserved for ports with greatest need, not just those that have partners with the greatest ability to pay.)
- How does CBP ensure that RSA funds pay for the hiring of new CBP Officer and Agriculture Specialist personnel and are not simply used to pay for relo-

cating existing CBP personnel from other ports (robbing from Port A to staff Port B without hiring additional staff)?

- How does CBP ensure a long-term public-private funding stream? (When RSAs were first considered, there was a proposal to have RSA pay up-front for 10 years over 3 installments.)

There are also some port locations where staffing shortages are so severe currently, that even entering into a RSA program may be problematic. In 2009, there were approximately 10.7 million international travelers processed at New York's JFK. By the end of 2015, it is estimated that JFK will process 14.5 million passengers, a 30% increase in mission-critical work over a 6-year period. Over this same period, NTEU estimates that there has been a net gain of approximately 100 officers to process over 3.5 million additional travelers.

For the last 2 years JFK management has received overtime cap waivers for CBP Officers compelling these officers to work 12-, 13-, or 15-hour shifts day after day for months on end. Officers were required to come in additional hours before their standard shifts, to stay an indeterminate number of hours after their shifts (in the same day) and compelled to come in for more overtime hours on their regular days off as well.

The majority of CBP Officers are already working all allowable overtime, much of which is involuntary. I want to be clear that all CBP Officers are aware that overtime assignments are an aspect of their jobs. However, long, extensive periods of overtime hours can severely disrupt an officer's family life, morale, and ultimately his or her job performance protecting our Nation.

CBP is currently negotiating separate RSAs with British Airways and American Airways at JFK. In this situation where existing Officers' overtime at JFK is already stretched beyond their limits, the RSA should be restricted to hiring new CBP Officers, and not to simply expanding overtime hours.

Another concern is that CBP continues to be a top-heavy management organization. In terms of real numbers, since its creation, the number of new managers has increased at a much higher rate than the number of new front-line CBP hires. CBP's own fiscal year 2015 end-of-year workforce profile (dated 10/3/15), shows that the supervisor to front-line employee ratio was 1 to 5.6 for the total CBP workforce, 1 to 5.7 for CBP Officers and 1 to 6.6 for CBP Agriculture Specialists.

The tremendous increase in CBP managers and supervisors has come at the expense of National security preparedness and front-line positions. Also, these highly-paid management positions are straining the CBP budget. With the increased use of RSAs to fund additional CBP Officer new hires, NTEU urges that CBP return to a more balanced supervisor-to-front-line employee ratio.

AGRICULTURE SPECIALIST STAFFING

CBP employees also perform critically-important agriculture inspections to prevent the entry of animal and plant pests or diseases at ports of entry. For years, NTEU has championed the CBP Agriculture Specialists' Agriculture Quality Inspection (AQI) mission within the agency and has fought for increased staffing to fulfill that mission. The U.S. agriculture sector is a crucial component of the American economy generating over \$1 trillion in annual economic activity. According to the U.S. Department of Agriculture, foreign pests and diseases cost the American economy tens of billions of dollars annually. NTEU believes that staffing shortages and lack of mission priority for the critical work performed by CBP Agriculture Specialists and CBP Technicians assigned to the ports is a continuing threat to the U.S. economy.

NTEU worked with Congress to include in the recent CBP Trade Facilitation and Enforcement Act (Pub. L. 114-125) a provision that requires CBP to submit, by the end of February 2017, a plan to create an agricultural specialist career track that includes a "description of education, training, experience, and assignments necessary for career progression as an agricultural specialist; recruitment and retention goals for agricultural specialists, including a time line for fulfilling staffing deficits identified in agricultural resource allocation models; and, an assessment of equipment and other resources needed to support agricultural specialists."

CBP's fiscal year 2016 AgRAM, shows a need for an additional 631 front-line CBP Agriculture Specialists and supervisors to address current workloads through fiscal year 2017, however, even with the 2016 increase in AQI user fees, CBP will fund a total of 2,414 CBP Agriculture Specialist positions in fiscal year 2017, not the 3,045 called for by the AgRAM.

NTEU urges the committee to authorize the hiring of these 631 CBP Agriculture Specialists to address this critical staffing shortage that threatens the U.S. agriculture sector.

CBP TRADE OPERATIONS STAFFING

CBP has a dual mission of safeguarding our Nation's borders and ports as well as regulating and facilitating international trade. In fiscal year 2015, CBP processed more than \$2.4 trillion worth of trade goods and collected \$46 billion in revenue. Since CBP was established in March 2003, however, there has been no increase in CBP trade enforcement and compliance personnel even though in-bound trade volume grew by more than 24 percent between fiscal year 2010 and fiscal year 2014.

In 2011, CBP established the Centers of Excellence and Expertise (CEEs)—10 industry-specific Centers—requiring significant changes in CBP trade operations, employees' workload, and work practices.

In 2014, 4 of the CEEs began operating at an accelerated level of processing and became fully operational. On March 24, 2016, the remaining 6 CEEs came on board. Critical for supporting the CEE's virtually-managed and geographically-dispersed workforce is the completion of the Automated Commercial Environment (ACE). Now 3 years behind schedule and more than \$1 billion over budget, CBP began rollout of the ACE "single window" for industry filing electronic trade entries on March 30, 2016. According to industry users, the ACE rollout has been challenging. Users have experienced network error and system-wide crashes.

The rollout of CEEs has raised many issues affecting trade operations staff at the ports including insufficient front-line staffing and insufficient training for both front-line employees and supervisors. NTEU urges Congress to authorize the hiring of additional trade enforcement and compliance personnel, including Import Specialists, to enhance trade revenue collection.

ADDITIONAL CBP PERSONNEL FUNDING ISSUES

NTEU commends the Department for increasing the journeyman pay for CBP Officers and Agriculture Specialists. Many deserving CBP trade and security positions, however, were left out of this pay increase, which has significantly damaged morale. NTEU strongly supports extending this same career ladder increase to additional CBP positions, including CBP Trade Operations Specialists and CBP Seized Property Specialists. The journeyman pay level for the CBP Technicians who perform important commercial trade and administration duties should also be increased from GS-7 to GS-9.

NTEU also supports extending enhanced retirement that was granted to CBP Officers in 2008 to the approximately 120 CBP Seized Property Specialists, the only armed, uniformed officers at CBP that do not receive Law Enforcement Officer retirement.

RECOMMENDATIONS

Funding for additional CBP staff must be increased to ensure security and mitigate prolonged wait times for both trade and travel at our Nation's ports of entry. The use of RSAs as an alternate source of funding is merely a Band-Aid approach and cannot replace the need for Congress to authorize an increase in customs and immigration user fees or to provide sufficient appropriations to hire 2,107 new CBP Officers to adequately address CBP staffing needs.

Therefore, NTEU urges the committee to:

- authorize increases in trade, travel, and agriculture inspection and enforcement staffing to the level called for in CBP's most recent WSM that shows a need for 2,107 additional CBP Officers and an additional 631 CBP Agriculture Specialists through fiscal year 2017;
- authorize an increase in journeyman pay to additional CBP personnel, including CBP Technicians, Import and other Commercial Operations Specialists, and enhanced retirement to armed, uniformed CBP Seized Property Specialists; and
- engage in robust oversight of RSAs to ensure that this program does not replace primary funding sources or result in inequitable distribution of CBP Officer resources.

Lastly, NTEU asks Congress to support legislation to allow CBP to increase user fees to help recover costs associated with fee services and provide funding to hire additional CBP Officers. If Congress is serious about job creation, then Congress should either authorize funding or raise immigration and custom user fees to hire the additional 2,107 CBP Officers as identified by CBP's own Workload Staffing Model.

The more than 25,000 CBP employees represented by NTEU are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs, and our economy, safe from illegal trade, while ensuring that legal trade and travelers move expeditiously through our air, sea, and land ports. These men and

women are deserving of more resources to perform their jobs better and more efficiently.

Thank you for the opportunity to testify before the committee on their behalf.

Ms. MCSALLY. Thank you, Mr. Reardon. I now recognize myself for 5 minutes for questions. I am going to do a couple of rounds. So this round is going to be focused on the staffing, and then I will come back and talk about infrastructure in the second round.

Ms. Jacksta, I want to start with you. As the author of the Border Jobs for Veterans Act, I believe we had an update due to us on April 15 with how that is going, which is now overdue. So can you give me an implementation update, how many veterans have been hired since that went into law? When are we going to get the report from you?

I have a number of other questions related to some of the things you mentioned in your testimony. But if a veteran has got a TS/SCI clearance, has been through an SSBI, is given all those clearances, are you still starting from scratch with a veteran going through your 11-step process, or are you accepting what they have already gone through to get the clearances that they have? Are you looking for waiver authorities, for polygraphs, for those that already have clearances, accepting their medical, their physical fitness, all the things that would fast-track our veterans that we intended you to be doing by this law?

Ms. JACKSTA. Thank you, Chairwoman McSally. I want to thank you for sponsoring that legislation. As I said in my opening statement, I believe that this has the potential to be a true game-changer for CBP. With respect to the report that you mentioned, it is my understanding that it is going through internal vetting, it has left the agency, and, hopefully, it will be en route to you shortly.

Ms. MCSALLY. It is in the black hole between the agency and Congress, got it.

Ms. JACKSTA. In terms of implementation plan, and the 7 goals and objectives that you outlined in the Act, I have very, very good news in terms of the level of collaboration that we have had with our partners at the Department of Defense. We have reached some significant agreements on levels of reciprocity that we would like to offer for a couple of key areas in the hiring process. One would be the medical.

So when a separating servicemember is separating from the military, they have an exit medical. We would like to use that as our entrance medical. Another example is physical fitness. We recognize that servicemembers in the different branches of military have regular fitness assessments. We would like to offer reciprocity for our physical fitness. We have two of those in our hiring process.

In addition, the e-QIP process and the background investigation process, to the extent that we can leverage an already existing background investigation, we will. So I think those are groundbreaking approaches that we are trying to implement. The goal right now is to start that reciprocity arrangement with DOD in the month of May.

Our overarching goal for the time to hire to on-board through this facilitative process, service members and veterans into front-line occupations is within a 90-day window, that is our goal. It will

probably take us a little time to walk through that as we implement a new process, but the goal is to get to a 90-day time period.

Ms. MCSALLY. Go ahead.

Ms. JACKSTA. With respect to the polygraph requirements and the TS/SCI, we do offer reciprocity for some types of polygraphs, so that a policy that we put in place, and it has been in place for some time. So if we have a transitioning service member with a polygraph within the last 3 years, we will look to offer reciprocity. Above and beyond that, we are exploring some concepts, again, pre-decisional does not necessarily represent an agency position, but we are looking at does it make sense to maybe have a risk management framework in place to assess levels of suitability depending upon your background, experience, you know, different levels of clearance that you held in former positions, maybe some different types of exceptions in that regard? That is something we are exploring now as an agency. We have not really put pen to paper, that is pre-decisional. But I want to leave you with the thought that we are leaving no stone unturned and we are exploring all options.

Ms. MCSALLY. All right. Thank you. Just to clarify, though, when it comes to someone who has been through, like, an SSBI, are you accepting that background investigation, or are you doing an entirely separate background investigation? Are those some of the things you are going to consider to accept as well?

Ms. JACKSTA. Yes, Chairwoman. That is what we are considering.

Ms. MCSALLY. Okay. Great. Thank you. Also I would encourage you, it sounds like the hiring hubs are helping the streamline, but if you were to have those hiring hubs located in places that have military facilities, you could speed up everything even tighter.

So, I do know we are having a jobs fair in southern Arizona that I am hosting. I would love to coordinate with you to possibly have a hiring hub be a part of that. We have got 2 large military installations there and a lot of veterans, just so—and I have heard from other Members, too, that have large military presence in their communities to help sort of streamline that to put those two together.

Ms. JACKSTA. Thank you, Chairwoman. We welcome the opportunity to collaborate on the recruiting site. For your awareness, we will have a hiring hub in Tucson in April, and if you agree to it, we can collaborate on recruiting. That would be wonderful. We have also had hiring hubs at Fort Bliss, Bragg, Campbell, Fort Hood, Camp Lejeune, and Joint Base Lewis-McChord.

Ms. MCSALLY. Great. Thank you. Next I want to talk about the polygraph itself. We have heard several anecdotal horror stories of decorated combat veterans who, for some reason, were unable to pass this polygraph, coupled with some bizarre-sounding behavior on behalf of the polygraph examiners. Can you outline how closely CBP is monitoring the polygraph exam and the individuals who administer the test?

Ms. JACKSTA. Absolutely. As you know, Chairwoman, CBP is required to conduct a polygraph per the Anti-Border Corruption Act of 2010. I guess the parting thought that I want to share with you is that our program follows the same standards as any other law enforcement polygraph program. We are certified by the National Center for Credibility Assessment, we undergo that certification

every other year; our last assessment was done last January. So I share that with you because the training and the program get certified on a regular basis.

With respect to how we monitor the activity, we have a quality assurance program within CBP that actively monitors, on a daily basis, the activity of the individual polygraph examiners, and they will intervene if they believe that an examiner is trending in an area that is beyond established thresholds. In addition to that, they take a look at audios. Every polygraph exam has an audio recording, so we look at the audio tapes. Sometimes we will pull that polygraph examiner off the line if we feel that more remediation, or maybe training is needed, particularly when we are on-boarding new polygraph examiners, there is that mentoring component that we have.

In terms of our degree of rigor, I would say that it is fairly sound. I would also say that we take very seriously any complaints that we have with respect to the administration of that exam or any constituent concerns that maybe some of your constituents might have.

There is a method called the Privacy Act waiver that constituents can complete, and we would be happy to share the findings of a polygraph exam, the nature of any admissions that are uncovered in that exam, if someone elects to complete a poly—a Privacy Act waiver.

Ms. MCSALLY. Thanks. Mr. Reardon, I know you represent those that have made it through the process, but are probably, then, going through periodic screening while they are in service. Have you heard any concerns related to the polygraph from your members?

Mr. REARDON. Thank you, Chairwoman. More of what I have heard is really related to family members and friends of our members who have, in some recent times, gone through the polygraph process. I have heard some of the same kinds of horror stories that I suspect you are probably referring to. The kinds of questions that are asked go beyond, really, at least from what I have heard—clearly, I wasn't there—but the stories I have heard clearly go beyond what I think is probably acceptable to be asking someone.

So I have raised this actually in the past with CBP, because I think something—this really should be looked at very carefully to find out where the problem is. I mean, where we have it taking I think the numbers that you provided early on were 100 to 150 applicants in order to get one CBP Officer on board, I think there is something wrong in the process. I suspect that at least some of that is related to polygraphs, and I think that should be looked at very carefully.

Ms. MCSALLY. Thank you. Just to reiterate from my opening statement, we all agree we have to make sure we vet individuals, we have got to make sure that we have got accountability, and those that are serving in these important positions are above-board. We have just got to make sure that we are not wrongfully filtering out, especially our combat veterans in the process, through false positives, or however you want to categorize that.

The Chairman will now recognize other Members of subcommittee for questions they may wish to ask the witnesses. In ac-

cordance with our committee rules of practice, I recognize Members who were present at the start of the hearing by seniority in the subcommittee, those coming in later will be recognized in order.

The Chair now recognizes Mr. Higgins, the acting Ranking Member.

Mr. HIGGINS. Thank you very much. Congress has 2 responsibilities here: One is budgetary and the other is oversight. So in the omnibus bill of 2014, based on concerns that were brought to Congress, Congress responded by providing funding for 2,000 additional agents to try to address the problems, the staffing shortages at the ports of entry.

Also in that legislation was a mandate that Customs and Border Protection provide a staffing model to show how that personnel was going to be distributed along both the Southern and Northern Border. That has not been available yet, so it is very hard for Congress to do, to exercise, to fulfill its oversight responsibility. So the only thing that we really have to go on is anecdotal evidence that the staffing shortages still exist along both borders resulting in inefficiencies and employees who are dissatisfied.

I was reading in Mr. Reardon's testimony that on-going staff shortages directly contribute to CBP's perennial ranking at the very bottom of the Partnership for Public Services' Best Places to Work surveys, 314 out of 320 agency subcomponents on the latest survey. That is a problem. That is a problem in terms of morale—morale and just the importance of that relative to recruitment of Officers.

Second, there is an avoidance factor, particularly on the Northern Border. My experience with the Peace Bridge in Buffalo is the busiest Northern Border crossing for passenger vehicles. If there is a sense that there are delays there because of lack of infrastructure, because of poor staffing strategies, people adjust their economic behavior to avoid the cross-border movement; it hurts economies in Buffalo and western New York who rely on an efficient, reliable predictable movement into and out of southern Ontario, which has a population center of 12 million people. Very, very important to the life quality and economic viability of places from, like, western New York.

So I guess for everybody on the panel, we just need to do a much better job here, because security is obviously a primary issue. But that important balance of economic activity and promoting it as efficiently as possible is important too. So when Congress takes an action 2 years ago to address the needs, the personnel needs of both Southern and Northern Borders, and yet, we have not fulfilled that obligation, and we have no information from Customs and Border Protection about the staffing model, what are we to go on, other than the anecdotal evidence? Poor morale, borders that just continue to be congested? We are not fulfilling our responsibilities, so I throw that to the panel generally. Mr. Reardon, do you want to take that?

Mr. REARDON. Thank you, Congressman. You know, I think that you are absolutely right. I mean the poor—from my perspective, the staffing shortage is certainly a large part of the problem when you start looking at the morale. We have got—and, in fact, last week I was with more than 350 of our leaders from around the

country, CBP leaders from around the country. You know, I had the opportunity then, and certainly at other times to speak with them about the morale at CBP. You know, where you have individuals, for example, if we take San Ysidro, the San Ysidro crossing, you have people who are working 12- to 15-hour days, you know, day after day, week after week after week. After a while, it begins to wear on people, people are beaten up, they are tired. You know, we were noticed by CBP a while back that they were going to not only have TDYs up to 90 days, but they were—they noticed us that they could go up to 180 days.

Well, even when you look at taking someone from their family from far away and moving them for 90 days where they potentially have small children, they have certainly got lives where they are, that kind-of thing begins to really wear on a human being. You know, I guess I would also add kind-of to the small list I am giving you, the fact that when you talk to CBP employees, I think, probably at the core for them, is that they don't feel valued.

So, I believe that, you know, there needs to be some serious work. You know, we have already talked about the FEV scores, the Federal Employee Viewpoint scores; they are routinely, year after year, very low. At some point, something has to be done to actually address those issues. Certainly, I think, staffing is a large component of that.

Mr. HIGGINS. Anybody else?

Ms. MCSALLY. Thank you, Mr. Higgins. The Chair now recognizes Mr. Hurd from Texas.

Mr. HURD. Thank you, Madam Chairwoman, for holding this hearing and all that you have done to make sure that we are focused on the border. I would like to start off, like, with most of my colleagues, with condolences for the family of Jose Barraza. I know it is hard to lose a colleague, and I can only imagine what his wife and 2 sons are going through. So please pass our condolences along.

I want to thank Mr. Schied and Mr. Gelber for your work on helping us with trying to extend the 559 program. Hopefully, we will see that over the finish line soon, and Commissioner Wagner, it is always a pleasure to see you.

My first question is actually is to Ms. Jacksta. We talked about the polygraph a little bit. There are a number—the number of folks that are not making it through that process seem incredibly high. My question is: The number of folks that fail the poly during the interview process, is it comparable to other agencies that do polygraph for hiring?

Ms. JACKSTA. Thank you, Congressman, for that question. We are in the process now of conducting a benchmarking study. We have reached out to the National Center for Credibility Assessment to try to ascertain where we stand vis-à-vis other organizations that are conducting the same polygraph. The one word of caution that I would mention is that our applicant pool is vastly different than many other applicant pools from other Federal law enforcement organizations. So, we are trying to be careful in making sure we are measuring apples to apples.

Mr. HURD. I completely understand that. Being someone who has gone through multiple polygraphs. I appreciate this issue. How long is that going to take?

Ms. JACKSTA. I would be happy to take that back for the record.

Mr. HURD. I copy you.

The next question, and maybe stay with you, ma'am, hardship pay, that was something that was—listen, being on the board multiple times a month, I recognize the hardships on the difficulties that the men and women within all of DHS have to go through. Hardship pay has changed over the years. You know, it is something where—because there are some places that are harder than others, let's be honest about that. The difficulty sometimes in finding folks to go to those really hard places, remote—trying to encourage them to do this, what is on the horizon when it comes to hardship pay and using that as a way to help retain or reduce attrition?

Ms. JACKSTA. Certainly. I recognize that this is a conversation that is ensuing with a number of different folks on the Hill. What I would share with you is that we already employ a couple of different elements as a way to augment the basic rate of pay. One is the use of special salary rates, and we use special salary rates right now on the border of North Dakota for the ag specialists. We are looking at pursuing something for CBP Officers and Border Patrol Agents as well. But that, again, is something that we are working with the operational offices on; and also, special salary rates for our Air Interdiction Agents at select locations across the country. We are also using incentives.

Mr. HURD. When do we think those studies will be completed, or when there will be a plan?

Ms. JACKSTA. It is my understanding that, for example, the CBP Air Interdiction Agent special salary rate is in existence today. The use of recruitment incentives is also in existence today. That is to help us specifically fill positions in hard or remote locations. We use data, attrition data and applicant data, to help us guide where we want to offer those incentives. In fact, year to date in fiscal year 2016, we have offered 75 different incentives. In the State of Arizona alone, there are 340 folks pending incentives. So with respect to the hardship pay, I would say that we are looking at a broader strategy of special salary rates across the board.

Mr. HURD. Again, when do we think that review will be—and I have 30 seconds, so I want to ask 2 more questions so—

Ms. JACKSTA. That review is under way. So I will get that for the record.

Mr. HURD. Yeah. I would like to know what time—when this could be completed.

Who is engaged in conversations with local merchants, businesses? When, you know, we can protect our border and facilitate the movement of goods and services at the same time. There is groups like the Border Trade Alliance that are looking at understanding what the volume is going to be in the future in order to ensure the staffing levels are there at the ports of entry. Who is responsible for that engagement within your organization?

Ms. JACKSTA. I will defer that question to my colleague, Mr. Wagner.

Mr. HURD. Mr. Wagner.

Mr. WAGNER. Good morning. So, I mean, that is a conversation we have at the local level with our local managers and at the National level with us. You know, we work closely with all the, you know, alliances and representative groups. In our workload staffing model, we factor in about a 3 percent workload increase across the board. A conservative figure, but it does account for across-the-board growth. If there is new and special things, new facilities, new activity that we are certain, we can also factor those into the model too. So it's a combination of both.

Mr. HURD. Good copy. If Madam Chairwoman would indulge me with 1 question to you, Mr. Wagner. Internal checkpoints, there are a number in Texas. How is the staffing decided at those? Have studies been done at peak times? Because one of the things that I frequently hear from folks is on Friday afternoon, and Sunday mornings, the internal checkpoint, it takes long to get through that than if you were trying to cross the border. I am interested in looking at, you know, are there times when we can ensure we have, you know, all hands on deck in order to facilitate that travel?

Mr. WAGNER. Yeah. I will have to get back to you on that. I mean, the Office of Border Patrol handles the interior checkpoints. I mean, we do a lot of work with them from the ports of entry lining the technology and communicating back and forth. But let me get back to you with a better answer on how they determine the staffing for those.

Mr. HURD. Good copy. I yield back the time I do not have.

Ms. MCSALLY. Thank you. The Chair now recognizes Mrs. Torres from California.

Mrs. TORRES. Thank you. I want to make sure that our panel truly gets a good picture of how concerned we are about the staffing issues that you are facing. You can have a recruitment center across every State, across every city, across every military branch, and we will only be wasting money if we are not able to retain people because of the work environment that you are providing for them.

I've heard directly from CBP employees, that have been given absolutely no notice, and been sent from LAX to our Southern Border. For 17½ years I have worked in a paramilitary organization. I understand that it is a lifestyle, that weekends, forced overtime, and holiday work and nights is part of the job. That is why it is a lifestyle and not just a job.

But it is unacceptable when we are asking single moms, single dads, to abandon their children without any notice for 3 months. That is unacceptable. Certainly you would not want to do that or want to have that job. So if we are not able to staff people because we are overwhelming them on background checks, on other types of testing that are not applicable to the job, I think this is time for a serious revision of this hiring process.

I hope that today when you leave this hearing you don't just turn the page and go on about your bureaucratic, you know, way of doing business, and that you actually take a serious look at how you are impacting families and my constituents. Not just the employees, but also how that is impacting our airports.

I have the Ontario International Airport in my district. This is a small airport. Currently they have 16 arriving and 16 departing international passenger flights per week on 2 carriers. But CBP Officers are deployed to Ontario as an as-needed basis and not stationed there. How is the staffing shortage affecting smaller airports? How can we work together to correct this problem?

I remember several years ago when a carrier had to—they had to do a layover at Ontario Airport. The passengers waited 16 hours because they were waiting for CBP personnel to come from LAX. That is unacceptable. That is not the business model that we want to see.

Can you tell me how this is impacting our smaller airports, your lack of ability to hire people?

Mr. WAGNER. Sure. I agree with you on both points. If I could address the temporary duty situation first in San Diego and the port of San Ysidro. We have deployed 197 employees to date. The procedures we use to do that, something we have negotiated with the National Treasury Employees Union is we take volunteers first. Out of the 197, 194 of them have been voluntary assignments. There were 3 employees from the Chicago field office that were involuntary assigned to that. Now, as we go to the next round, and as we hit summer, I imagine that number will increase. But these are the negotiated provisions by which we make those assignments.

Now, out of the people that are there, 27 of them are—have, asked to extend and go into the second round. We have had a handful of employees want to transfer there permanently. I did that. I went from New York City down to Laredo, Texas on a TDY—

Mrs. TORRES. I have a limited time, sir.

Mr. WAGNER. I ended up staying.

Mrs. TORRES. Excuse me. I have limited time here. What I am telling you is that the employees that I heard from are not—are telling me that you have run out of volunteers. So when you run out of volunteers, you are forcing people to either continue their deployment there where you have transferred them or you are deploying new bodies.

So I would like to go on to continue to ask you about—specifically about how this is impacting my airport in my community. As part of the new strategic business plan for Ontario, expanding airline service is a top priority. As part of this initiative, the Ontario International Airport Authority has identified opportunities for new and increased services to Mexico, Central America, Asia, and the Pacific Rim, as well as western Canada. However, to capture those opportunities, Ontario needs a commitment for more on-site CBP personnel. How is that going to happen under this environment that you have created?

Mr. WAGNER. It is very difficult for us to do that. We have service requests for multiple small to mid-size and the large airports for increased service. We have John Wayne, we have Melbourne, we have Reno, we have Pittsburgh, we have San Diego. All these airports have been in to ask us for increased service, and including Ontario. So we do our best to balance—the good part about Ontario is we have a large pool to draw from, from LAX, to provide that.

There is other options that they have available with the reimbursable services agreement. They can go with the user-fee status, and there are other opportunities for them to be able to provide some of those costs that fit into their business model. There is also technology that they can choose to deploy. They can purchase automated passport control kiosks. They can help us do our job more efficiently too. So it is continued discussions with them on how best to provide that service.

Mrs. TORRES. I am out of time. I yield back the rest.

Ms. MCSALLY. Thank you. Mr. Higgins, did you want to get—
Mr. HIGGINS. Yeah. I ask unanimous consent for the gentleman from New Jersey, Mr. Payne, to sit and question the witnesses at today's hearing.

Ms. MCSALLY. Without objection, Mr. Payne is recognized for 5 minutes.

Mr. PAYNE. Thank you, Madam Chair. To the Ranking Member, I appreciate the opportunity to be here with you.

I am the Member of Congress that has the Port of Newark and Newark National Liberty Airport in my district. Customs and Border Protection Officers at New York airport clear up to 20,000 passengers every day. At the Port of Newark, one of the busiest ports on the East Coast, agricultural specialists inspect imported food items, marble slabs, tiles, and wood packing material, all of which can carry insects and other pests that can harm domestic agriculture. So I have a question for the entire panel.

We all know there is a severe shortage of agricultural specialists at Newark's port of entry, in the neighborhood of around 30. How does CBP propose to fund the hiring of 631 additional CBP agricultural specialists as called for in your agency's own agricultural RAM?

Mr. WAGNER. So I believe in the—so we have the agriculture resource allocation model. It is about 723 employees when you factor in supervisors into that number. I believe in our 2017 budget, and I will have to verify the number, 100 or so of those positions would be provided for.

Now, with the new agriculture user fees that went into effect, we are looking at the collections that are coming in and putting together the strategy on how to hire the balance to reach that number.

Mr. PAYNE. So at this point you say you have the resources to get 100?

Mr. WAGNER. I believe we put into the 2017 budget proposal it is 100-and-something agriculture specialists that would be proposed to be funded. But I will get you that exact number.

Mr. PAYNE. Okay. But am I off base with the 631 that are needed?

Mr. WAGNER. Right. There is still a large gap that would remain.

Mr. PAYNE. So what is the plan moving forward in order to fill that gap?

Mr. WAGNER. So as we look at the new agriculture user fees that we collect, we would look to use those to support additional positions. So we are looking at—the new fee schedule just went into place earlier this year. So looking at the increase in collections in

those different fees and what funds might be available then to fund additional positions.

Mr. PAYNE. You know, what factors are considered when determining staffing levels for particular ports of entry? How do they vary by type of port of entry? What trends are you noticing for northern or coastal ports of entry compared to those on the Southwest Border?

Mr. WAGNER. So our workload staffing model, what we do is actually take all of the different tasks an officer or agriculture specialist does each day, the time involved it takes to do each one of those tasks. Then we multiply it by how many times it is typically done at that particular port of entry, and we come up with the amount of work hours needed to run that port. Divide that by the available work hours of an employee, and we come up with a staffing number. That is tailored to each specific port of entry on a basis of an assessment of this very specific workload that goes there. We use that, then as the guide to judge what is the right amount of staff to put at each port of entry, and then adjust that seasonally as we see the traffic and workload conditions dictate.

On your other question, what we are seeing is an increase in travel and trade. Commercial air travel at the commercial airports was up 5-point-something percent last year. It is tracking at 7.8 percent growth this fiscal year. Land border traffic, we have seen a small decrease on the Northern Border, that could tie into the Canadian dollar, and less Canadian visitors coming in, but we have seen a small decrease. We have seen somewhat of a recovery on the Southwest Border, though, with the passenger vehicle and the pedestrian traffic increasing slightly, 1 to 2 percent last year into this year.

Mr. PAYNE. Okay. As I wrap up, how does CBP assess risk and prioritize infrastructure improvements across air, land, and sea ports to ensure that the investments that go into the ports, the investment goes into the ports with the greatest needs?

Mr. SCHIED. So we have got a strategic resource assessment process that we use particularly for the land ports of entry. Each of the environments: Land, sea, air, has a slightly different approach. They have different authorities and different ownership models to them. But for the land ports of entry, we use the strategic resource assessment process.

For the airports, that is generally free space that is provided by the airports to CBP. So in those cases we are working with the local airport authorities on their plans for modernization of those ports. We have—we provide to them a series of requirements that we look to have included in our inspectional facilities at the airports. The same is true with the seaports.

Mr. PAYNE. Well, thank you. I would like to thank the Chair for indulging me, and the Ranking Member allowing me to come over and ask a few questions. Thank you.

Ms. MCSALLY. Absolutely. All right. We are going to do another round here.

I want to transition to the ports of entry, especially focus on the land ports of entry and the dire need to upgrade, expand, and modernize them. As many of my colleagues have mentioned, the border provides challenges for security, but also provides opportunity for

commerce which is tied to our economy, growth of jobs. So we have got to figure out how to be able to let the good stuff in and keep the bad stuff out. The infrastructure is a main facilitator or barrier to that. We see that in my community, and many of us have talked about that already.

Many Members, including myself, are concerned about the prioritization process. It doesn't seem totally transparent to us or understandable. I mean, I hear about a capital investment plan. I hear about a strategic resource assessment process. Mr. Gelber, you talk about a border master planning process. This is like making—this is a bureaucracy headache. It doesn't seem very obvious what the process is to us, what the prioritization and the criteria are. We want to make sure that it reflects common-sense criteria, because how you measure and rank order things obviously can determine the outcome, whatever criteria that you are using. You know, the obvious things of wait times and the amount of traffic that is going through and increasing seem to be obvious. But as we have mentioned here already, the opportunity cost of what is not coming through, how people are changing their behavior, businesses are not growing.

We hear about this all the time in our community. Businesses that want to expand, but because they know they are bottlenecked related to coming through the Douglas port of entry, they are not going to be able to expand, people that are choosing not to come over and spend money or shop, because time is money.

So how do you measure opportunity costs? How do you measure whether you have a partner on the Mexican side as well related to the government or land owners? Talk me through this process and what can we do to make it more transparent and understandable for us.

Mr. SCHIED. Well, I will start with that and then throw off to Mr. Gelber. So, again, the different environments, and you focused specifically, I think, on the land ports of entry so that is where I will focus—

Ms. MCSALLY. Yep.

Mr. SCHIED [continuing]. The assessment, starts with the strategic resource assessment. So what that is, is CBP personnel going to the ports of entry, literally going through in a checklist-type fashion and assessing the infrastructure as it exists. Walking around actually looking at the facility, how the traffic flows through the facility, looking at issues like the building systems. Is the facility basically working or not working. Also interviewing the staff to find out what is going on with that facility. That gives us basically the foundation for the existing facilities, what is going on there.

We do work in the regional planning. So we do take into account—try and factor in, is there projected workload growth at that location? Try and factor in do the Mexicans or the Canadians have a project that would need to work with you on that? What are the local highway and transportation plans? So we start with that basic resource assessment, then factor in what else is going on in the environment.

Ms. MCSALLY. Do you include local stakeholders in that or just the staff?

Mr. SCHIED. Local stakeholders. So most we are trying to get the various locations, we are trying to plug into the regional planning, which usually is going to involve the local community and the Department of Transportation——

Ms. MCSALLY. Okay.

Mr. SCHIED [continuing]. As a part of that conversation.

Ms. MCSALLY. How often do you do this? Once a year when you update your 5-year plan or——

Mr. SCHIED. So I would say a lot of the conversation is on-going. The strategic resource assessments, and actually going out and doing that kind of physical inspection, only happens every few years.

Ms. MCSALLY. Okay.

Mr. SCHIED. The actual working with GSA on how much, you know, what the top priorities would be is an on-going basis but results in an annual plan.

Ms. MCSALLY. Do you know the last time that you did that at the Douglas port of entry?

Mr. SCHIED. Yeah. Last year.

Ms. MCSALLY. Okay.

Mr. SCHIED. We actually did the walk around.

Ms. MCSALLY. Two-thousand fifteen. Okay. Great. As you know, the Douglas port of entry has needed modernization for many years. From our perspective, it has tremendous shortfalls and limitations to it. We have struggled to find the financing. Where is the Douglas port of entry on the prioritization list? Could you please provide the committee with the most recent capital investment plan? Will you guys please share future iterations of the plan with this committee, given the significant interest of our Members? We would prefer not to try and extract it from you, but actually deliver it to us in a timely manner.

Mr. SCHIED. Sure. So we won't provide the list—the authorization bill that Congress recently passed actually requires us to provide that to you. So, of course, we will do that.

Ms. MCSALLY. So when are we going to get it?

Mr. SCHIED. So I think that—I forget what the exact time frame was after enactment. I think it was about 3 months after enactment. So it would be later this spring or summer, is when owe it to you, and that is when we will deliver it.

Ms. MCSALLY. Okay. I mean, other committees have it already. So we are just wondering when are you going to deliver it to this committee.

Mr. SCHIED. So the other—so that would be a different report. That would be the——

Ms. MCSALLY. Okay.

Mr. SCHIED [continuing]. Five-year or the annual 5-year plan.

Ms. MCSALLY. Okay.

Mr. SCHIED. Again, we can work with the other committees to make sure there is no objection on their part to us sharing that information with this committee as well.

Ms. MCSALLY. Okay. Can you share where Douglas is on your prioritization plan and how you came to that conclusion?

Mr. SCHIED. Sure. So Douglas will be in the upcoming plan. We recognize that as one of the top infrastructure needs that we have.

As you have mentioned, the facility is very inadequate. It is old. It fails on multiple counts to be the kind of facility that we want to provide. In the upcoming 5-year plan, I expect Douglas will be a part of one of the projects that we seek funding for. It is one of our higher priorities.

Ms. MCSALLY. Upcoming meaning the one that you have produced already and delivered to the other committees—

Mr. SCHIED. So the 2016 plan has not yet come up to the committees.

Ms. MCSALLY. Okay.

Mr. SCHIED. So that is working its way through that black hole that you referred to earlier. Douglas is on that list.

Ms. MCSALLY. Okay. We look forward to following up with you. Again, we don't have time in this just 5 minutes. But I really look forward to working with both GSA and CBP to better understand the criteria that you are using so that we can, you know, feel more confident that it is a transparent process.

Again, we hear anecdotes that sometimes if, you know, local governments are helpful or not helpful, there is some subjective elements there that move projects up or down the list. We just want to understand what is objective, what is subjective so that, you know, we can have confidence in the prioritization process. I know I am way over my time again. But I have lots more questions. But I am going to hand it over to Mr. Higgins for a little while.

Mr. HIGGINS. Thank you very much.

I see that the infrastructure guy isn't here. Infrastructure is obviously a, you know, very important piece to all this. I am amazed when I read this story about the new international bridge being constructed between Detroit, Michigan, and Windsor, Ontario, and the fact that the entire project is being financed by the Canadian Government. A 6-lane bridge, and the Canadian Government is also financing the entire cost of the American plaza.

Total project cost is \$2.3 billion. You know, can you explain to me—can anybody explain to me how this happens, and why is there seemingly, at least in this project, and presumably generally a lack of United States Government commitment to building these critical border crossings?

Again, that profoundly—you know, all of the, you know, the information coming from the State of Michigan, from the city of Detroit is that how this international bridge crossing will profoundly influence favorably the economic prospects of the State of Michigan and the city of Detroit. Yet, from what I am reading, there doesn't seem to be any U.S. financial commitment to the building of this critical international border.

Mr. SCHIED. So I would start with the funding for that project is going to come from the tolls that are collected, and so a lot of the privately-owned infrastructure, there is tolls. So there is a revenue stream. I think that the position of the U.S. Government was that that revenue stream could pay for the plaza. In terms of commitment, though, the U.S. Government is going to put in substantial commitment to this project because we will be staffing and operating that facility.

Mr. HIGGINS. You are staffing and operating a facility anyhow. I am not talking about the staffing. I am just talking about the in-

infrastructure commitment to these kinds of projects. I do understand that the money will be recouped from the recurring revenue that exists from tolls.

But this project has been delayed substantially because of lack of interest, lack of will, on the part of the U.S. Government to contribute. I mean, you know, Canada is a country of 30 million people. The United States is a country of 323 million people. The economy of our Nation is \$19 trillion. Our budget is \$4 trillion a year. Yet there is no infrastructure investment into this bridge that, to me, speaks to, again, a larger problem relative to ports of entry throughout the entire Northern Border.

Mr. SCHIED. So I would agree with you on the fact that we do have a challenge on getting the resources necessary to rebuild a lot of the ports of entry on the Northern Border.

So, I mean, through the—I think we, you know, from a CBP perspective recognize that the privately-owned facilities, as well as, the publicly-owned facilities, need substantial infrastructure investment. Where we can find a private entity or a local bridge authority that will work with us to make that—

Mr. HIGGINS. But don't you think it speaks to a larger problem when the Canadian Government is financing not only the full cost of the bridge span between Windsor, Ontario and Detroit, Michigan, but they are also financing the full cost and the build-out of the American plaza?

Mr. SCHIED. I think it does speak to the challenges that we face—

Mr. HIGGINS. Yeah well.

Mr. SCHIED [continuing]. In funding the infrastructure. I mean, we have got, as I think was alluded to in the Chairwoman's opening statement, a \$5 billion need in terms of recapitalization. So we do face a significant challenge.

Mr. HIGGINS. All right. So CBP has projected that \$6 billion over the next 10 years would be needed to modernize the existing inventory of land ports of entry to recent security and facility demands.

How much of this money is budgeted? I mean, we do a transportation bill that is typically a bill that is a 5-year authorization. How much of this \$6 billion is funded in that bill, or does it come from someplace else? If it comes from someplace else, where does it come from?

Mr. SCHIED. So of that figure, most of it would need to come from the Federal Buildings Fund because most of those ports of entry, particularly the larger ones, are GSA-owned facilities.

Mr. HIGGINS. Okay. Let me just—I will finish up here because I am over. But, you know, when we talk about the importance of cross-border movement, in terms of National security and in terms of economic benefit, at the very least to those communities that are specifically affected by those land ports of entry, we are falling significantly behind. This is not a challenge. This is a crisis.

Again, I can tell you that, you know, look at behavioral economics. You know, when we are confident, we move. When we are not, we don't. Here is what I know the situation in terms of behavioral economics at the Peace Bridge. I suspect that this is pervasive throughout other congested land ports of entry. That people have adjusted their economic movement, their behavior, to do what they

refer to as avoidance. They avoid a situation that they are not certain of because there is no reliability, there is no predictability. The only way that you build in reliability and predictability is to build in capacity.

You know, the Peace Bridge in Buffalo was built 89 years ago. It is the busiest Northern Border crossing between the United States and Canada. Guess what? It is 3 lanes. The population of Southern Ontario since that time has increased by 400 percent. So 50 percent of the time you are down to 1 lane because they use an alternating lane system. I know anecdotally from people who I know and my experience myself is you don't go near the Peace Bridge unless you are absolutely—you have no other choice. That is the wrong message to be sending, particularly when you look at—the relationship at the Southern Border is different. I understand that. But the relationship at the Northern Border is very different as well. For the border communities that depend on predictable reliable access into and out of southern Ontario, again, a population center of 12 million people projected to grow another 3 million over the next decade, and you have that avoidance, we are really hurting ourselves economically, and we are compromising our National security.

Ms. MCSALLY. Thank you, Mr. Higgins.

I do want to follow up on the source of funding. Because right now these very important ports of entry, land ports of entry are included into the Federal Building Fund. So we are prioritizing between something that is so important for our security and our commerce with, you know, office buildings for some bureaucracy for people to come work, which is—you know, it is also important that people have a place to come to work. But to me should not be in the same category.

Should we be somehow moving ports of entry into a different funding category so it is not mixed in with the Federal Building Fund, and it is more a part of our infrastructure?

Mr. Gelber, do you have any comments on that?

Mr. GELBER. From GSA's perspective, we would prefer to keep the CBP inventory as part of the larger Government real property inventory, so that we can allocate these dollars in the best way that addresses the entire Executive branch's needs.

On an annual basis, we allocate approximately \$150 million of funding for CBP projects. This fiscal year we are working on the Alexandria Bay crossing in New York as well as the Columbus crossing in New Mexico. We have had a request for the Calexico crossing in California, and then fiscal year 2018 our request will be for the Alexandria Bay crossing in New York.

In the out-years of our 5-year plan we set aside in effect \$150 million for funding for CPB's projects once we receive their 5-year plan. So while it is a difficult issue to balance the needs of a variety of Federal agencies, we still believe it is the best way to approach the Government's real property inventory.

Ms. MCSALLY. Mr. Schied, do you have a similar opinion or something different?

Mr. SCHIED. I would just appreciate as much money out of the Federal Buildings Fund as CBP can get to modernize its infrastructure.

Ms. MCSALLY. Okay. Great. I also want to ask—often you are entered into long-term leases for some of these structures. You know, one of the attempts, just as an example, that Douglas used to try and fund them was through a bond. The community was literally going to mortgage its future for the land and any investment and then was asking to have it be leased back. But it was denied because it wasn't under the current public/private partnership, which is—I get that.

But is there not a potential model to also lease back from local communities that are willing to do bonds to invest in this infrastructure because they see the benefit? What new authorities would you need, and is that something you would be willing to entertain if we gave you those authorities?

Mr. GELBER. That would be something GSA would be interested in discussing with the committee. Currently the—well what I will refer to as the Government accounting rules state that for a lease of that nature that you are referencing requires to be accounted for all in the first year of the lease. So it is a significant hit, if you will, on the Federal budget for that one year even though the payments will occur over a 20, 30—or 20- or 30-year payment period.

Ms. MCSALLY. But you still have long-term leases with other entities. Right?

Mr. GELBER. We do. Some of those leases are treated as what I refer to as operating leases. Some other leases incur the budgetary scoring rules that would make it a little more difficult to enter into a lease in the manner in which you are speaking.

Ms. MCSALLY. Mr. Schied.

Mr. SCHIED. Yeah. I would add to that, part of the public/private partnership dialogue that we want to have, and part of I think the advantage of that kind of a program is it does let the local community approach us with ideas and commitments that they would be willing to make. I think as we—we are only going through this the second—this is the second round that we are going through.

So I think both us and the local communities are still in a bit of a learning curve as to sort of what is acceptable, what is not acceptable, what is legally permissible, what is not. I think as we continue to work through that we might have some further ideas about, you know, future changes to language or authorities that would be useful. It also helps us to educate the local communities about how they might structure a project that when they do bring it to us it is something that we would be able to accept.

Ms. MCSALLY. Okay. Great. I just want to close with a couple final questions on manning, if you don't mind, related to the manning.

You know, Mr. Reardon, I heard your—thanks for your testimony and the perspectives of your—the workforce and the low morale. I mean, I think just from my military experience, oftentimes low morale comes from a variety of different root causes. Sometimes it is hardship circumstances. Sometimes it is leadership culture. There is a variety of different things. I think of some of the situations you are talking about. But we have men and women in uniform, in our military, that are often told on very short notice to deploy for a year over and over again away from their families. They make it

work. Morale is often very high in very arduous circumstances because we are a part of something greater than ourselves.

So I don't believe those that are your workforce are just cash-focused. My hope would be that that is not true. That there is hopefully a deeper commitment to service and to making a difference, being a part of something greater than themselves. There is maybe a variety of other issues that are associated with this, that hopefully it is not just I want more cash to be able to, you know, do this particular role. I think these things sometimes can be complex cultural issues.

But I just want to clarify that. Do you believe there is a cultural issue or leadership issue, or is this just a monetary issue for the workforce?

Mr. REARDON. Chairman, thank you for the question. No. I absolutely do not for one moment believe that it is a monetary issue alone. I think that rather there are a wide variety of issues at play here. I do think that there is a leadership issue. I think that oftentimes our front-line employees are not—they are not involved in decisions that are made. They are not asked their opinions on decisions that are made. I think that is a problem.

I think it is a problem also that when our members believe that they do really outstanding work, and they do outstanding work—and let me just for the record say that our CBP employees, they without question, do this work and are proud to do this work and proud to do it for this country. There is no question about that many of them are former military. So I want to underscore how critically important the work is that they do and how committed they are to doing the work.

But I think, you know, I mentioned in my earlier comments about employees feeling valued, you know, and the whole issue certainly in the military related to esprit de corps, you know, those kinds of things, as you well know, are important. So if there is a disconnect between the leadership and the front-line employees, you have a problem. Oftentimes that goes directly to the issue of trust.

So, you know, you asked if there are other issues at play here. I would say absolutely there are. You know, for example, we have—someone mentioned, I think Mr. Wagner mentioned earlier, you know, the contract certainly that exists between CBP and NTEU. We run into situations where certainly in our view the contract is not adhered to. You know, those kinds of things, when that happens repeatedly, when the contract isn't followed, when decisions are made by arbitrators and so on and so forth, and then CBP continues to push off, you know, reacting to the arbitrator's decision, for example, forever, I mean, on and on and on and on, you know, there is a message that is sent to front-line employees that we don't matter, that we are not valued. So, yeah, I mean, I think there is—I think there is a—certainly a cultural issue here.

Ms. MCSALLY. Mr. Wagner, I want to give you a chance to respond.

Mr. WAGNER. Great. Thank you. You know, I agree with Mr. Reardon. Our employees are motivated by the mission. They are 100 percent behind it and dedicated to it and support it. You know, it is a great mission to get behind. It is very difficult jobs that they

have. This—it is a very demanding job, and there is a lot of responsibility on the decisions they make day in and day out.

They work in very difficult conditions. They work very difficult hours and places, dangerous places. So these things do compound themselves. When, you know, when you are short on resources and traffic is increasing, and, you know, like any large organization, we struggle with communication efforts. It does compound itself, and you see these things manifest themselves in things like, you know, the scores in the FEV survey. But they are an incredibly hard-working group of men and women. The sacrifices that they do make I don't think we always appropriately recognize. You know, someone has to work weekends, someone has to work holidays, somebody works Thanksgiving day and Christmas day, and the sacrifices they make to miss graduations, birthday parties, anniversaries, and a lot of family time and personal commitments, you know, someone has to be there. The border has to be open. We just can't close on a holiday and say: We will be back tomorrow. You don't have that option. So someone has to work.

We negotiate provisions with the bargaining unit and with NTEU on how to fairly select people to work those assignments. You know, somebody has got to work overtime on Christmas day. It happens. Nobody wants to volunteer. But we have a system that the low earner on a list, and it is the base of earnings gets stuck with the longest job, in some sense of fairness and equity. We try to balance that. It is tough to explain that to the person who is getting forced to work, the person that involuntary gets sent TDY to San Ysidro said: You know, we have 23,000 CBP Officers. Why do I have to go? Can't find anyone else out of all—sometimes it is difficult to explain. We do struggle with that communication. But I agree 100 percent. Our employees are extremely hardworking and are motivated. Very successful at what they do in a lot of very, very challenging circumstances.

Ms. MCSALLY. Great. Thanks. Just please indulge my time here. Now that I have got you all here I do have a few more follow-up questions just, again, related to the manning and personnel.

One is the, you know, the mandatory age 57 retirement which backs up to a 37 is the highest age, although that can be waived, and I understand is waived for veterans. For me, I think this is an artificial number. I mean, this is sort of ageism in some regard that you are looking at people, you know, based on just their age versus their experience. I think about some of the veterans coming out of the military, if you are an officer, you are retiring at the earliest at 42, 43. Again, I know there is exceptions to every rule, but is this a barrier as you are trying to fill these qualified positions? It just seems to me that there should be—you should look at people as individuals and not these blanket age rules. You know, is there something that we can do to help with that based on the current mandatory 57 retirement.

Also, it was noteworthy to me—I mean, we were talking about these thousand and thousands of people that you are hiring—or that are applying that is coming down to, you know, just trying to fill these positions. I think in your testimony you said 40 percent of the applicants don't even show up for their interview or their, you know, next stage in the application, which is troubling to me.

So we obviously—all your efforts are trying to find the right people to get into step 1 so you are not wasting a lot of time casting a huge net.

I mean, what else can we do to assist you in that? Are there other things that we need to help fast-track? Or is this just all for you to internally address?

So those 2 quick questions.

Ms. JACKSTA. Thank you, Congresswoman. I think you will be pleased to know that the commissioner has recently raised the entry age for law enforcement occupations from 37 to 40, and also from the mandatory retirement age from 57 to 60. He has the authority to do that for new employees and front-line occupations. He will do that for a 3-year period.

Ms. MCSALLY. Okay.

Ms. JACKSTA. So I think that is very, very good news and specifically addresses your concern.

Ms. MCSALLY. For a veteran can that be higher than that? Because, again, the earliest an officer can retire is usually at 42 from the military.

Ms. JACKSTA. I will take that back and research that for you.

Ms. MCSALLY. Okay.

Ms. JACKSTA. With respect to the entrance exam, what we have found is that we lose 50 percent of our applicant pool at the entrance exam, and we want to find out why is that happening? We implemented a survey. Thousands of people responded. We are in the process of assessing what the results of that survey indicate.

Early analysis tells us a couple of things. First is upon further reflection the applicant determined maybe I don't really want to pursue that law enforcement career. We have an 11-step process that is fairly rigorous, intentionally so.

Second is polygraph acts as somewhat of a deterrent. When they recognize—when they get scheduled for their entrance exam and they see all the other requirements and then they finally realize that the polygraph is one of those requirements, they say: Thank you, but no thank you. So certainly as we discussed earlier this morning, we are certainly willing to have a dialogue with you and other Members of Congress in that regard and any flexibilities we may want to employ going forward.

With respect to the recruitment, I think this is one of the No. 1 areas where we need to focus our efforts. We have used data, 5 years' worth of data, to specifically identify areas in the country where we have been successful previously in recruiting officers and agents into front-line positions. That data has been provided to every field office in every sector in the country. That is 40 different locations. Each sector chief, and each director of field operations, has specific goals and objectives for targeting in those local areas based on what the data tells us. So we are hopeful that that targeted recruiting strategy will bear some positive news for us. I will share with you that early indications are somewhat positive in terms of our qualification rates, and the hiring process are starting to see a little bit of an uptick for the good. I think it is too early to tell whether or not that targeted effort is really producing what we want. But we are cautiously watching and we are cautiously optimistic.

Ms. MCSALLY. Can you clarify that the 161 days or so that it is now taking, is that just for where we have hiring hubs, or is that the average for all hires?

Ms. JACKSTA. That is a pilot that we implemented for hiring hubs. Our goal by the end of this fiscal year, however, is to take a look at the entire applicant pool and get at least 50 percent of that applicant pool into some type of hiring hub construct.

Ms. MCSALLY. So what is the current average for the hiring time?

Ms. JACKSTA. Currently average is about a year-and-a-half.

Ms. MCSALLY. It is still up to a year-and-a-half. Oh, my gosh. All right. Get on that.

Ms. JACKSTA. Yes, ma'am.

Ms. MCSALLY. One last question is, I know the polygraph is sort of a bottleneck, obviously, for resources and the specific requirements for that. I am constantly talking about this in other venues. Are you looking at other deception detection technologies before the polygraph, early on as somebody is doing the initial interview or filling out a form to just be able to identify whether, you know, somebody is just definitely going to be ruled out that is much cheaper off-the-shelf technology that might be able to help you filter quickly?

Ms. JACKSTA. I will take the specific technology question back for the record. I will provide a response to you.

What I can share is that there is a pre-polygraph interview process that occurs before someone actually sits in the chair. In a number of different cases we have seen that people have admissions during that process which we know ultimately will render them unsuitable for employment. When that occurs, we are able to make that judgment call earlier in the process than we did historically. As a result, we have been able to streamline the process significantly.

Ms. MCSALLY. Got it. Yeah. I would love to follow up with you. I mean, I have constantly talked about some technologies that have come out of the University of Arizona. But there are others around the country that are off-the-shelf that can really help you, I think, quickly identify whether somebody is being deceptive when they are filling out an on-line form or an in-person interview, just sensing other things that is not a full-up polygraph. So I would be happy to follow-up with you as well on that.

Okay. Thank you for all your patience. I want to thank the witnesses for all of your valuable testimony and answers to your questions, and the Members for their questions. The Members of the committee may have some additional questions for the witnesses, and we ask that you will respond to these in writing. Pursuant to committee rule 7E, the hearing record will be held open for 10 days.

Without objection, the committee stands adjourned.

[Whereupon, at 11:50 a.m., the subcommittee was adjourned.]

